

**INDIAN TERRITORY
A
PRE COMMONWEALTH.**

**HISTORY,
RESOURCES,
GOVERNMENT,
EDUCATION,
RELIGION,
TAXATION,
WEALTH,
RECENT
TREATIES, ETC.**



BY J. EDUNN.

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INDIAN TERRITORY

A Precommonwealth

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J. E. DUNN.

INDIAN TERRITORY

— A —

PRE COMMONWEALTH

By J. E. DUNN

Author of

“His One Weak Point,” “The Star of Cumorah,”
“I Will It,” “His Guiding Star,” Etc.

Approved and sanctioned by parties connected with
the Commission to the Five Civilized Tribes

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Introductory

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IN presenting this book to the public I feel, and know, that the Indian Territory withholds a wonderful anomaly in the development of a country, and one that will soon puzzle the student of such evolution. There must be an unusual attraction to turn the eyes of a whole Nation upon a particular section—Territory or State, for that matter—yet such has become true with the Indian Territory; and very probably more people now have their eyes turned expectantly towards that section with anticipation of settlement within its borders than to any other country of its size in the world.

This, to a great extent being true, a wave of trade has followed the flood of humanity with that vigor and energy which characterize Americans in the various lines of trade and industry. This becomes more interesting when viewed under the light of *solemn treaties* promising the Indian the undisturbed possession and occupancy of their lands, as has been the case with the United States government as guardian for the five civilized tribes. It is enough to shock the mind of an impartial observer; yet, little surprise need be felt, for we know the history of the full-blood whose social instinct is opposed to commercial life and the accepted forms of the higher civilization. So it is only natural for him to shrink from the onrush of his predestined successors, with stubborn resistance, those changes which legalize the occupancy of his hunting grounds by those who have heretofore properly been classed as intruders.

Sympathy may well be felt for him (the American Indian), for his passing is but one of the melancholy events which so often are followed by the most fitting sequences.

Such being the true facts upon which conditions are forecasting the grim, yet distinct, foundations of another Commonwealth or State, I feel that the public needs to know of the country which has "something to

it" strong enough to attract the eye of a whole nation, and, after having made its careful study for my own use, I have decided also to give it to the public in the presentation of this book.

In writing this I have endeavored to take a non-partisan view and give the actual conditions as they exist in the Territory to-day.

Trusting to your commendation and approval,

I remain,

J. E. DUNN,
The Author.



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QUANNAH PARKER
A Famous Chief



KICKING BIRD
A Kiowa Chief

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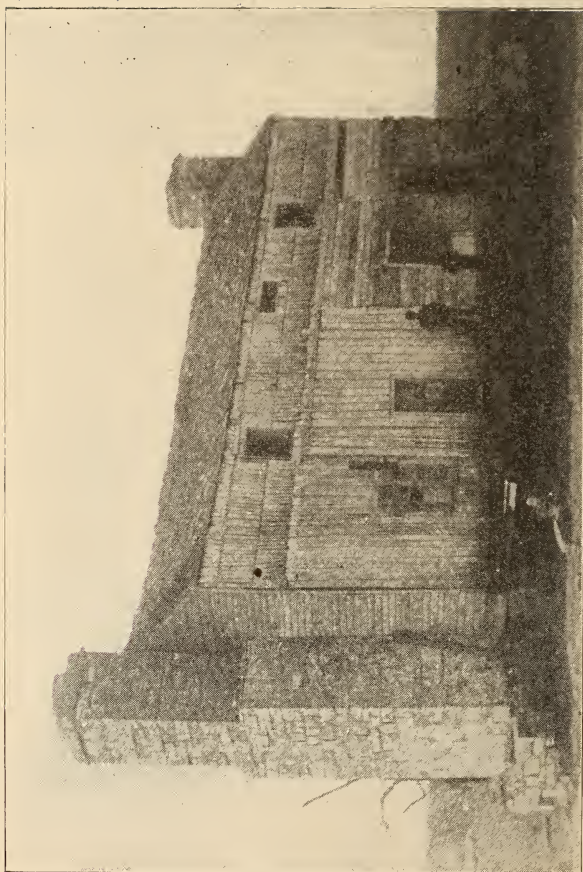
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Amendments of October 1st, 1903.

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THE OLD JEFFERSON DAVIS HOME

Indian Territory

Chapter I.

HISTORY.

In a work of the purpose for which this book is written it would be absolutely unnecessary to give much space to the history of the Indians who now occupy the broad areas of the Indian Territory—other than to tell how they came into the ownership of their country.

However, the Indian who lives in the Territory today has much history that he is proud of, for perhaps no other tribe or tribes have played a more prominent part in the history of the South than the Cherokees, Muskogees, Seminoles, Chickasaws and Choctaws.

The object of this book, therefore, is that a proper conception of the conditions actually existing in Indian Terri-



AN INDIAN GRAVE

tory today may be formed by the non-citizen who is so anxiously awaiting to take the land for a home which has

been so many years the resting place of Poor Lo—yes, only the resting place, and whether he will rest after the white man comes we do not know; perhaps God, who can see further than we, has a home awaiting him.

I. ANCIENT HISTORY.

The first we know of the Indians that today live in either of the five civilized nations come to us from the pages of history several hundred years ago, for it so happened that a Spanish adventurer, whose name was Cortez, and whose reputation as a malefactor is still alive in Mexico, New Mexico and Arizona, among the native population, descended upon Mexico and by treachery and force of arms conquered that country.

Among the tribes opposing the Spanish invaders were the Muskogeas and others. After the fall of the Mexican empire, under Montezuma, the Muskogeas, who numbered many thousands, and had a separate estate or Republic in northeastern Mexico, seeing that further resistance was useless, determined to emigrate to escape oppression from the Spaniards.

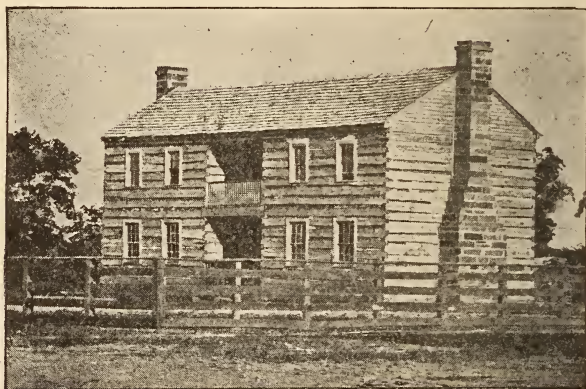
The emigration, according to tradition, was led by the brothers, Chotah and Chicksa, who firmly placed a pole in the center of their encampment and decided to move in the direction it would lean on the following morning.

Without hesitation the emigration was begun, the pole leaning to the east. It was set every night alternately by the two brothers and continually leaned to the eastward until they reached the greatest body of water ever known, which they named Misha-Sopokm, meaning "beyond age," whose source and mouth were unknown.

The pole still leaned east and they built rafts and crossed the river, continuing their journey until the Yazoo river was reached.

The pole stood erect the following morning and the messengers rushed through the encampment shouting "To-hah-linuish-no-yah," "Rest we all of us here."

To commemorate the great event, a mound three acres in extent and fourteen feet high was built, and this still remains. This branch of the tribe of the Muskogeas or Creeks became the Choctaw and Chickasaw tribes.



FIRST CREEK COUNCIL HOUSE

The other part immigrated through Texas and made a settlement in 1520 on Red river, where they encountered the Alabamas also coming from the West, and drove them from the Red river to the Mississippi, thence to the Ohio, and finally to the Yazoo, where, in 1541, their fort was besieged and destroyed by De Soto.

The journey from Mexico to Ohio required fifteen years. They subjugated many smaller tribes and continued war with the Euches and Alabamas, when the latter incorporated with their nation—the Muskogeas.

Later still they divided into separate nations as the Muskogeas, Choctaws, Chickasaws and Seminoles.

De Soto was the first white man to invade the domain of the Choctaws and Chickasaws.

In 1540 Mobila, or Mobile, was the Choctaw capitol, which at that time contained eighty houses, each large enough to shelter one thousand persons. All their houses stood fronting a spearman and were surmounted by a strong stockade and reinforced with towers at short intervals, the stockade having two gates.

Tush-ka-lusa, then Chief of the Choctaws, received De Soto with due ceremony. The latter held the son of Tush-ka-lusa as a prisoner for hostage. A demand for his release brought on a hand-to-hand struggle which lasted over nine hours. Eighty-two mail-clad Spaniards and forty-five horses were killed in this battle. The Spaniards reported the loss of the Choctaws at 6,000. Tush-ka-lusa was killed in this battle, and the town was destroyed by fire and left in ruins.

The Chickasaws and Muskogeas had similar experiences with De Soto, as the bow and arrow and modern shield afforded but little protection against men on horseback clad in steel and armed with broadswords and superior weapons.

In 1733 James Oglethorpe ascended the Savannah river and selected the present site of the city of Savannah for a colony and here he made treaties with the Yomacaws, a branch of the Choctaws, and with the Muskogeas and other tribes.

Owing to the machinations of the English, French and Spanish settlers, the Choctaws, Chickasaws, Cherokees and other tribes were kept embroiled in war with each other for over a century.

The Choctaws and Chickasaws alone lost over 50,000 warriors in their useless conflicts. In 1798 the Choctaws had seventy-seven towns and were a peaceful nation.

Among the celebrated men of the Choctaws were Tush-ka-lusa, William Weatherford and Tecumseh.

The first treaty between the United States and the Choctaws was made in 1786. Many others followed and

in 1830 the treaty for the cession of their lands East of the Mississippi was concluded. The tribe moved from their old home to the Indian Territory in the years 1840 to 1845, and many lives were lost in this emigration. The Choctaw nation at this date has 32,000 citizens by blood



SCHOOL HOUSE WHERE HENRY M. STANLEY TAUGHT

and intermarriage, and the just holdings in the Indian Territory amount to more than 7,000,000 acres.

We have had a fair knowledge now of four of the five tribes of the Indian Territory, namely, the Muskogees, Choctaws, Chickasaws and Seminoles. The other of the five civilized tribes is the Cherokees, and about their past history little is known.

II. CHEROKEES.

The origin of the Cherokee Indian is lost in antiquity. Some claim that tradition places them as the direct descendants of the Mound Builders; others believe to have found traces of a migration—at a remote period—from the south coast of the Gulf of Mexico, which locality the native people had reached long before the arrival of Columbus.

De Soto came in conflict with them in 1540, and in a battle which ensued they were defeated.

In 1620 they came in contact with the British settlers in Virginia, at which time the Cherokees had settlements on the Appomattox river, and occupied most of Georgia, North Carolina, South Carolina and Tennessee, and in fact all the country east of the Alleghenies. They were forced out of Virginia and treaties were made with them by South Carolina as early as 1684.

About 1700, the Cherokees had in this region, sixty-four towns, but were almost continuously engaged in war with the tribes north of them and the Creeks (Muskogees) south of them, and again with the French and British at various periods.

During the revolutionary war they sided with the British, but at its close they made a treaty with the United States government.

During the civil war the tribe was divided, members fighting on both sides.

Although the Cherokees have been engaged much in war, they were essentially an agricultural people. Physically they were a splendid race—tall and athletic, and claimed blood relationship with the Powhatan tribes.

The year of 1800 finds them well established in Georgia and adjoining states, living in towns and engaged in husbandry. The inroads of white settlers soon made their old homes untenable and finally forced their migration westward.

In 1802 Georgia obtained from the United States an agreement to extinguish, as soon as it could be done by treaty stipulation, the title to all Indian lands held within the state. Georgia professed an utter inability ever to assimilate a body of Indians, declaring that she would never rest until they were sent out of her boundaries. It was this hostility that spurred the general government to hasten the removal of the Cherokees.

In spite of Georgia's claim, an agent of the war department, as early as 1825, reported, after an extended tour in



AN OLD INDIAN VILLAGE

the Cherokee country, that numberless herds of cattle grazed upon their extensive plains; horses were numerous; many and extensive flocks of sheep, goats and swine, covered the hills and valleys. The soils of the valley and plains were rich and produced corn, tobacco, cotton, wheat, oats and potatoes; apple and peach orchards were quite common, etc. The nation had no debt, schools were increasing every year, and the printing press had been established, and books in English and Cherokee began to appear. This was the Arcadia General Scott was sent to destroy, and the people whom Georgia held in contempt.

A kind of retribution came in the raids of Sherman's "Burners" during the civil war, but it is doubtful if the Georgians suffered as much as did the Cherokees.

The first body of immigrants, known as the old settlers, or Western Cherokees, about 3,000 in number, started for White river, in Arkansas, in 1809.

After remaining a few years they continued their journey to their present home.

The Cherokees remaining in Georgia were subject to all sorts of outrages on the part of Georgia's land grabbers, and by means of fraudulent treaties were finally compelled to migrate. In 1832 the persecutions had reached a point where the alternative was either war or migration. War simply meant utter destruction, and the migration was undertaken.

In 1838 the main body, some 17,000, under compulsion and guard started late in the fall for the West, a remnant of about 800 remaining permanently in Georgia.

The saddest event in the history of the Cherokees is the record of this migration from their eastern home. This immense caravan, consisting of men, women and children, weak infants, strong youths, aged and decrepit grandfathers, left Georgia to face an unusually severe winter on their road. The severity of the weather, together with the old and infirm, rendered the caravan unable to proceed more than five or ten miles per day, and the duration of the journey was over ten months. The mortality was dreadful, and day after day numbers lay down by the roadside never to rise again. When the journey was finished and the roll was called, it was found that one-fourth of the great caravan had perished and left their bones by the roadside.

On their arrival in the Territory the Eastern Cherokees claimed control of the nation by reason of their numerical strength and organization. The claim was vigorously disputed by the old settlers or Western Cherokees, who re-

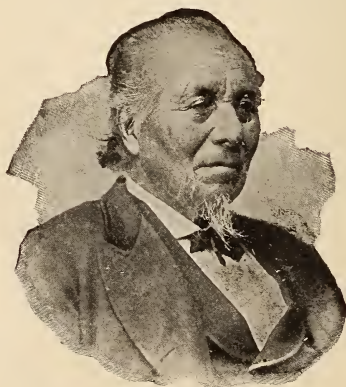
fused to be governed by John Ross, the principal chief of the eastern branch.

Nearly a thousand removed to Cherokee County, Texas, but returned in the main after the Texas revolution.

During their stay in Texas they almost exterminated the Waco and Tonkanuy tribes and fought with Texas against Mexico while the main body was embroiled in wars with the Osages, Quapaws and other tribes who disputed their right of residence in the Indian Territory.

The present population of the Cherokee nation is 101,754, according to the last census. The Cherokees number 38,000, the remainder being intruders and trespassers. About three-fourths of the tribe are imbued with white blood. The real estate owned by the nation comprises about 4,400,000 acres.

Thus I have given you a brief history of the five civilized tribes that today occupy the great Indian Territory. Since they migrated there in 1835 to 1840 they have much history besides that made through the various treaties with the United States government, which I will take up under the head of "Government."



ISPARHECHER

An Ex-Chief of the Creeks

THE REAL HISTORY OF THE INDIAN TERRITORY.

The real history of the Indian Territory began when the civilized Indian migrated hither from the Southern States. Fort Gibson was established about 1828, then on the extreme frontier of the United States, as a protection to the Indians and an advance guard against the Spanish aggressions on the South and West. The famous Sam Houston, of Tennessee and Texas, resided there for a while, and the name, still famous. Washington Irving, in 1832, made his trip from that place to the western plains, which he has so graphically described in his "Tour of the Prairies." The first prairie he ever saw is where Wagoner is now situated. The "Bee Hunter" exploit was in the Chaska bottoms, on the Arkansas river, and the adventure of "Ringing the Wild Horses" occurred on the north bank of the Canadian river, about north of where Purcell is now situated. Fort Gibson was the most famous of all western frontier posts. At one time or another nearly all the officers of the old regular army who rose to fame in the civil war on one side or the other was stationed there. Zachariah Taylor was there, and the ruins of the old log house where his famous son-in-law, Jefferson Davis, lived is still to be seen. Wolf hunting along the streams and hills between Fort Gibson and Tahlequah was an enjoyable pastime for the young officers of the army in the early days. Those early times were the days of romance and adventure, as well as of hardships and endurance.

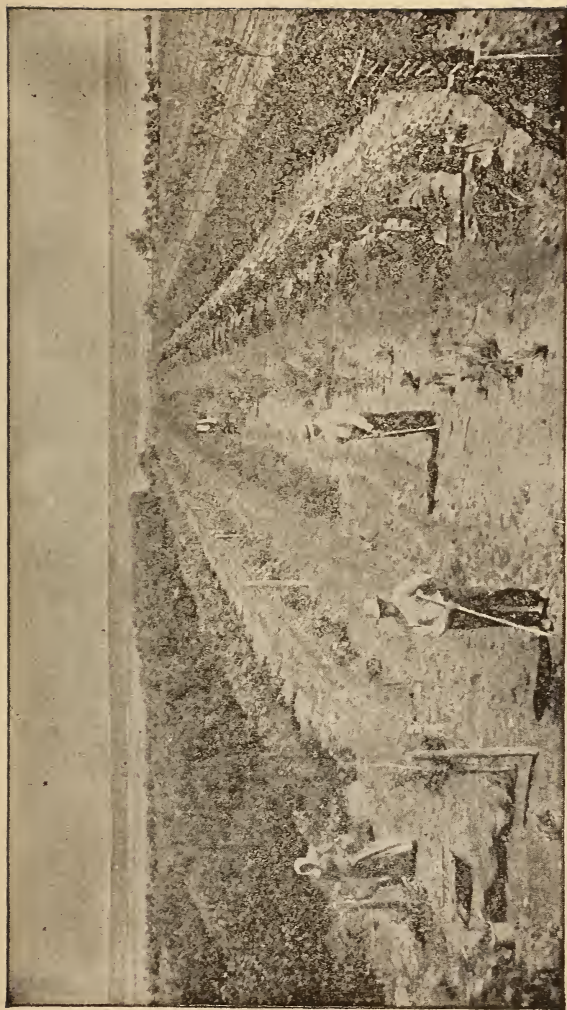
The Indian Territory was on the extreme western frontier of the United States at that time, but it was destined to be occupied and settled much sooner than any other portion of the country west of the Mississippi river. The hardy American frontiersmen, who, in the early part of the Nineteenth century, were pushing across the Allegheny mountains to Ohio, Indiana, Kentucky, Tennessee, Alabama and Mississippi, clearing the lands and opening there new territories to settlement and fitting them to become



OLD FORT GIBSON

THE OUTPOST OF CIVILIZATION

A FORT OCCUPIED AND ABANDONED TWICE
BY THE UNITED STATES GOVERNMENT ALSO ONCE BY
THE CONFEDERATE GOV IT IS NEXT TO THE ALAMO
IF NOT ITS EQUAL FOR HISTORY



FARM SCENE

future states, were not to be the pioneers of this country. It was set apart for the Indians, to be settled and occupied by them as a home forever. "As long as the grass grows



CROPPING COTTON

and the water runs." The white settlers were rapidly intruding upon the Indian country in the Southern States east of the Mississippi, and difficulties and conflicts between the races were engendered by this contact. It soon

became manifest that they would not dwell together in peace and harmony, but the Indians would be overwhelmed, swallowed up and lost as tribes in the ever-increasing tide of white immigration to the Southern States.

Their history, could it be written since they became the owners in common of the great Indian Territory, would be as interesting as that of any other section in America. Their wars with each other are full of exciting adventure, and would fill many pages of very interesting history. Those of our readers who are interested in the history of the Indians of the Indian Territory will do well to read Dunn's book (which is nearly completed) entitled "Susan of Old Ft. Gibson." This story portrays much of the history, many exciting events, and a romance, interesting to all who love history.



Chapter II.

RESOURCES.

In speaking of the resources of the Indian Territory we are talking of a country where thousands and thousands of acres still lie sheltered under the wild grasses of nature's giving, and on which live great numbers of long-horned cattle, watched by the sturdy cowboy, who until of recent years has been the "cattle's fence" as well as master.

These great droves are born and reared on such pasturage, until finally in their master's eye they have bit sufficient of the wild grass to render them fit for the market.

Then long trains of cattle cars toil across the country bearing their heavy burdens to the great cities in the states.

All this time the farmer of Kansas, Iowa, Illinois, Missouri and other agricultural states, dreams in thoughtful meditation as he watches the heavy trains plod eastward with their live freight, and, perhaps, by the next year he (this farmer) may be forced to a new home a little nearer the many thousands of acres; or to the land of the cattle, and the country yet scarcely known to the plow.

The farmer moves slowly onward, a little nearer each year. But this movement, slow and irregular, as it may seem, tells of a sad, sad future for the peaceful acres of prairie grass—an evil omen that the day is at hand when their nature's dressing must soon be torn by the plowshare like unto the history of its sister sections which have all gone before it. The great Indian Territory, too, will soon be only history for the future American boy and girl.

For many years the Indian Territory has seemed to possess extraordinary attractions to the home-seeker. This sentiment had its origin soon after the removal of the five

civilized tribes from their lands east of the Mississippi, and has propagated with truly remarkable fecundity ever since.

The average man has only to be debarred from anywhere to at once feel his curiosity and desire stimulated.

Scarcely had the Indians settled on their new possessions when white intruders, tempted by the fertility of the lands, invaded the territory, and they have remained notwithstanding all efforts to eject them, and they will re-



HARVEST SCENE

main in spite of the steady opposition, both from the Indian governments within, and the United States government without.

This, perhaps, seems strange, yet it is absolutely true, and, as I said in my introduction, there must be an unusual attraction that will induce three hundred and fifty thousand intelligent people to move into a country where they are expressly told they are not wanted; where they can own no real property; where to remain means to sacrifice all political rights and absolute exclusion from participation in

affairs of either local or national government, and where they must live under a constant threat of eviction.

To say that under such circumstances, the charms of the territory have apparently outweighed those of other sections of our broad domain, is to pay the natural resources of the country a compliment which would be difficult to parallel.

Is this compliment to the territory deserved?

In answering, let us take last year's report. During the year of 1902 the Indian Territory produced 4,500,000 bushels of wheat, corn and oats; 4,000,000 bushels of vegetables; 60,000 bales of cotton, and 175,000 tons of hay, valued at \$1,000,000. Most of this was grown and gathered by white non-citizens on land leased to them by the Indians, who had ownership in it only because they belonged to the tribes that owned it in common. And with it all, only a small portion of the soil of the Indian Territory has yet been cultivated.

The Indians own a great many head of cattle and yet the majority of the cattle grazing in the Indian Territory is the property of white non-citizens, who pay the citizens twenty-five cents per head for grazing privileges.

There are 33,000 square miles of land in the Indian Territory, more than 75 per cent. of which is highly arable, only a comparatively small portion being mountainous. The general surface is prairie, with rich alluvial soil, and it is superbly watered, especially in the southern part. All the streams are heavily timbered. The soils are capable of a high state of cultivation; the rainfall is generally abundant, and the land is capable of producing wheat, corn, hay, vegetables, cotton and fruits. In the same fields may be grown "both food and clothing."

The oak covered hills are generally sterile and worthless for agricultural purposes, but to the flock-master they are valuable, and where an abundance of game, fine spring water and convenience to wood, led the Indians to settle

when they were first transferred to the territory, and where the full-bloods still remain, eking out existence on a few



TERRITORY FARMS

acres of corn raised in the valley or on hogs raised on acorns.

These are the real Indians and are contemptuously known as the Hill Builders. By admission of the wisest

men they are no more civilized nor fit for citizenship than they were years ago. This is a case of arrested progress, and it is believed that the only hope of civilizing them is to induce them to settle on the fertile lands, rent portions to the whites, mingle freely with them and attend their churches and schools.

The government is trying to bring about such conditions, which it will accomplish within a few years.

The Chickasaw nation has an area of 7,267 square miles and the largest amount of real good agricultural land in the territory. It is a rolling prairie, particularly well watered, lying as it does along the Red river, which has many tributaries (feeders), thus giving many acres of fine bottom land to all this section.

There are no arid lands in the Creek nation, and although but a small proportion of the 2,000,000 acres are farmed about 70 per cent. or more of the land is said to be susceptible of a high state of cultivation.

Great belts of valuable timber grow along the streams, consisting of hickory, ash, pecan, oak, maple, cottonwood, walnut and sycamore.

The soil is a rich sand loam. The Deep fork and the North fork of the Canadian river flow across the nation and empty into the Canadian near Eufaula, while the South Canadian forms the southern boundary of the nation. Before the advent of the railroads they were used for transportation.

The lands of the Cherokee nation are easily susceptible to cultivation as those of the Creek nation, and has 2,575,436 acres of agricultural lands. The crops that can be raised are such as can be grown in Southern Kansas and Eastern Oklahoma. The land is well diversified, the north-western part being rolling prairies and the southern and eastern portions hilly, mountainous and covered with forests, the whole well watered with rivers, streams and springs. Thousands of springs of clear, pure, soft, cool

water are found in the hills, while springs of chalybeate, salt and sulphur are numerous.

The Seminole nation is by far the smaller of the five, and plays very little part in the agricultural wealth of the Indian Territory. Most of its area is hilly and upland covered with timber. However, considerable cotton is produced and marketed, and its land may attain a good state of cultivation.

The Choctaw nation, the largest by far, has over 8,000,000 acres, but a great part of it is rocky, hilly and



WATERMELON FARM

mountainous, except along the streams, where a great portion of the land is capable of a high state of cultivation. The southern portion will no doubt attain as high a state of cultivation as any of the other nations, and will produce all the staple cereals.

A large area of the Choctaw nation is underlaid with coal, which has only been worked in a few places. It is a semi-anthracite, and is of a very fine quality, with a ready market for all that is mined, and a great deal of it is being shipped.

On the whole, the agricultural and horticultural resources of the Indian Territory are great in every way, which has been proven during the last few years.

The soil, while variable in kind and quality, responds wonderfully to conscientious cultivation and produces magnificent crops of corn, wheat, oats, potatoes, cotton, fruits and commercial truck—in short, all the staple crops yield abundantly and are produced under less strain and hardship than in a more northerly state.

The climate conditions are very favorable; the atmosphere is pure and bracing, and there is sunshine 200 days of the year, with as much rainfall as in the average central and western state. During the year of 1900 the rainfall for the United States was 28.6 inches; for the Indian Territory, 34.50 inches; Iowa, 35.60 inches; Illinois, 35.30 inches. etc. The precipitation is the heaviest over the northeastern part, and more particularly in the Cherokee nation. Then you see there is an abundance of rain.

Spring opens in February and runs into May, when summer begins. The winters are short and mild, the only cold weather being confined to the month of January. The country is especially adapted to the cultivation of fine fruits, which mature from two to four weeks earlier than those of Missouri and Southern Illinois, and reach the market at a time when there is a good demand.

The timber belt of the territory lies mostly within the Choctaw nation. The principal lumber timber of this section is yellow pine. It is very heavy—seven pounds to the foot, board measure. This pine grows rapidly. It is full of pitch and its sapwood is much thicker than that of the pine further North. A great deal of lumber has been cut by mill men.

The principal hard wood is white oak, though not of a commercial quality. Such cedar as grew in the territory was cut years ago and shipped out of the country. Gum spruce is found along nearly all the rivers. There is very little walnut in the country. Cypress grows along the rivers in the southern part of the territory. The hickory,

basswood, sycamore, hackberry and elm of the territory are of much value.

The mineral resources of the timbered belts of the Choctaw nation show ledges of "bull quartz," which cross cut the formation in many localities. Surface indications point to iron, lead, zinc and coal in many places. There are fables of old Spanish silver mines in many communities. Another well known story is about a place where the Indians formerly obtained lead for moulding bullets. There are tales of gold deposits, but up to the present time



FARMING PAYS

there has been no prospecting for that metal. Surface indications of copper, manganese and graphite are occasionally seen.

A word of summary of the natural resources of the Indian Territory and I will pass the subject:

For diversity of crops there is no country better adapted, and the climate conditions are favorable, so that crops are marketed a month earlier and at a higher price than further north, and the mean rainfall has proven that which adds much to the success of profitable production.

Again, there are great coal beds awaiting the arrival of the non-citizen to work them, and fine timber covers

many acres, from which can be cut lumber for new dwellings and for manufacturing purposes. Oil and natural gas abound in the northern part which is already being worked to a certain extent. The Standard Oil Company has secured the right-of-way for a pipe line from the Bartlettsville district to their great refineries at Neodesha, Kansas, and are now constructing a storage tank of 50,000 barrels capacity at that point to care for the immediate product.

The Bartlettsville oil has an asphalt basis, with 60 per cent. of almost pure kerosene oil, so much so that it will fire an engine just as it comes from mother earth. The wells so far have a capacity of from 10 to 100 barrels per day, which has a ready market value of \$1.16 per barrel. Its specific gravity is 31; flash, 120, and fire test, 170.

Experts hold that it will be a greater field than the great field of Beaumont.

All in all the Indian Territory has more of the natural resources which conspire to make a great country than any other section of its size in America.





A FULL BLOOD MAID

Chapter III.

THE PEOPLE.

The commercial and social condition of the Indian Territory is probably less well known than the resources to the average person of the States. Although surrounded by a great commonwealth, whose population is noted for intelligence and cultivation, beyond its boundaries the Indian Territory is almost an unknown land. In the States, except those surrounding it, it is regarded as a wild country, the inhabitants of which are "merely Indians" who wear blankets and live in wigwams.

As a matter of fact, it is a country almost as large as Ohio, with a population of more than 500,000, of whom only 80,000 are Indians and freedmen, and not one of whom wears a blanket. Most of these Indians can hardly be distinguished from white men, and all of them understand and many can speak the English language.

Besides the citizens of the five civilized tribes, namely the Cherokees, the Muskogee or Creek, the Seminole (translated the "Strayed Ones" members of the Creek tribe), the Choctaws and Chickasaws, the only other Indians within the Indian Territory are on the Quapaw reservations in the northeast corner. The various tribes of the Quapaw agency are small parties of Modocs, Peorias and Ottawas, remnants of once formidable bands. There are also a few Wyandottes, Shawnees and Senecas. There are not more than 1,500 Indians in these reservations, if that many. They cut no figure in the general statistics of the territory.

A subdivision of the population of the Indian Territory has been compiled up to the present time from the Dawes Commission's report on allotment, and from railroad and commercial statistics in the various cities and towns in the territory, which shows at a glance the great diversity of interests therein.

“Mixed bloods” are those of all degrees of Indian consanguinity—from half bloods to the most remote diminution, as low in some cases as the 254th part, which means almost total extinction. Intermarried whites are men and women who have married Indians, of whatever degree, and who, by reason of such marriage, have all the rights of citizenship and the community of property. Freedmen are



A CREEK FREEDMAN

negroes, once the slaves of the Indians, brought with them from the South when they originally immigrated to the Indian Territory, and freed at the conclusion of the civil war, being adopted into the various tribes as citizens and given all the rights of the Indian.

The over-reaching desire of white persons to share in the property rights of the Indians has caused many attempts to be made by the applicants to avoid the existing laws of the tribes relative to intermarried citizenship. There

has been in effect various acts providing for marriage license fees for a non-citizen marrying an Indian. These license fees have been made as high as \$1,000.00, mainly to prevent the non-citizen from obtaining citizenship by intermarriage. Innumerable cases of divorce, separation and desertion is the most noted result of this class of citizenship.



CREEK CITIZEN FAMILY

White non-citizens are those who have ventured in the country, either upon the invitation of the Indian, or in quest of fortune, and who have been a potent force in civilizing the Indian. These are responsible for the commercial and industrial up-building of the territory. The enormous preponderance of this portion of the population is striking to the student of conditions in the Indian Territory.

The sub-division by nations is as follows:

CHEKOKEE NATION.

Full Bloods.....	6,400
Mixed Bloods.....	21,000
Intermarried Whites	2,000
Freedmen	4,000
Quapaw Indians.....	1,500
White Non-Citizens.....	100,131

CREEK NATION.

Full Bloods.....	6,500
Mixed Bloods.....	3,500
Freedmen	5,500
Intermarried Whites.....	None
White Non-Citizens.....	42,761

(The Creeks have no laws permitting intermarriage with whites, and there are few, if any, white citizens in the nation—probably two or three by adoption.)

CHOCTAW NATION.

Full Bloods.....	3,500
Mixed Bloods.....	14,000
Intermarried Whites.....	1,450
Freedmen	4,500
White Non-Citizens.....	149,296

CHICKASAW NATION.

Full Bloods.....	6,800
Mixed Bloods.....	5,100
Intermarried Whites.....	675
Freedmen	5,500
White Non-Citizens.....	150,000

SEMINOLE NATION.

Full and Mixed Bloods.....	3,786
White Non-Citizens.....	1,029

While the Indian citizens of the five civilized tribes have each nominally their tribal forms of government un-

der governors or chiefs, with upper and lower houses of Legislature, they are really governed by the Department of the Interior, with four judicial districts of the United States Federal Court, and an Indian agent, at Muskogee,



CREEK WOMAN



CHEROKEE WOMAN

in the Creek nation. But I will take this subject up under the head of government.

The Indians of the five civilized tribes have among them farmers and stock-raisers, blacksmiths, tanners, carpenters, doctors, preachers, lawyers, editors and teachers. Education has changed the characteristics of the Indian substantially. As a rule, he is a self-supporting man, living in a house of his own construction, and on the proceeds

of his own labor. He will eventually be the beneficiary of the building of roads and bridges, the court houses and public institutions that will follow state government.

The new generation of Indians in the Indian Territory will come into a great heritage, and is being prepared to receive and care for it. Boys and girls are being sent to



A MISSISSIPPI CHOCTAW
One Hundred Years Old

the best schools. The Indian girls, most of them, owing to the admixture of the Indian and white bloods, retain the best characteristics of both, are charming and often beautiful. Many of them are attending colleges in the East. When they return they will marry young whites of good families.

It will be seen by the subdivision of the population given herewith how small is the proportion of full blood

Indians. These keep to themselves, as a rule, living remotely in the hills on the proceeds of their own labor as small farmers. But their children are advancing.

The condition of the white non-citizen is certainly an anomalous one. While he is the creature of the wealth and some of the material progress of the territory, he has no standing, except in municipal affairs, and that only within the last two years. He is, in a sense, an intruder, and is so regarded. The influx of whites from the "states," as the world outside the territory is called, was enormous, in the years of 1901 and 1902. It has been estimated that the increase of whites, since the census of 1900 has been fully 50 per cent., and it is stated by creditable and well-informed citizens that in some of the towns the increase has greatly exceeded this, for some of the towns have doubled their population since 1900.

These whites are of the best quality of American citizenship. They are mostly young men of brains and with some capital. They hail from every part of the union as the following table which notes only the states furnishing the largest numbers, attests:

Missouri.....	33,066
Illinois.....	9,245
Iowa.....	2,702
Kansas.....	9,818
Nebraska.....	853
Indiana.....	3,165
Ohio.....	3,302
Pennsylvania.....	1,886
New York.....	900
Virginia.....	2,407
North Carolina.....	2,909
South Carolina.....	1,293
Georgia.....	8,486
Kentucky.....	8,662
Tennessee.....	18,149
Alabama.....	11,063
Mississippi.....	10,155
Texas.....	62,425

But there are also men from Maine, New Hampshire, Vermont, Rhode Island, Connecticut and Delaware as well as from every northwest state.



A CHOCTAW GIRL

Until recently they could not own a foot of realty. Business conditions were in a chaotic state, as business is regarded in the states, and the only collateral with a banker's attention was "hoofs" and "horns"—that is the vast herds of outside cattle driven to the range of the territory to graze.

Under treaty ratified by the Creek council, no child born subsequent to July 1, 1900, may be enrolled. A similar treaty failed to pass at about the same time with the Cherokees, while, in the Choctaw and Chickasaw nations a treaty prevails, which, in substance, is that no child born to any citizen or freedman after September 1, 1901, nor any white person who intermarries with a Choctaw or Chickasaw citizen after said date shall be entitled to enrollment.

The Indian Territory is fast filling up with a better class of men, who are civilizing it with the principles of American thrift, honesty and love of home. They have and are making the territory their home and when that is done, by any great number of Americans, no matter where it may be, a new life is begun, and a great commonwealth is made. Such is determined and is now within a few short years for the Indian Territory.



A CHICKASAW TYPE



MISSISSIPPI CHOCTAWS



OLD BARRACKS - FORT GIBSON

Chapter IV.

GOVERNMENT.

In speaking on this subject I feel my inability of doing the great laws of the territory justice, but I will give a few words as I have learned them concerning the Indian Territory.

Each of the five civilized tribes have their governor or chief and make their own laws to a certain extent. They have both an upper house, or House of Kings, and a lower house, or House of Warriors, or an executive and legislative, which make and execute local laws governing themselves, but really the Indian after all is ruled by the Department of the Interior, with four judicial districts of the United States Federal Court, and an Indian agent at Muskogee, in the Creek nation, called the Union Agency, by reason of such agency being guardian over the five nations.

The executives of the five civilized tribes are as follows: Pleasant Porter, principal chief of the Creek nation; T. M. Buffington, principal chief of the Cherokee nation; Hulputta Micco, principal chief of the Seminole nation; Green McCurtain, principal chief of the Choctaw nation, and P. S. Mosely, governor of the Chickasaw nation.

By act of Congress of March 3, 1901, the Indians are quasi-citizens of the United States. March 6, 1906, all tribal relations must cease, their legislative bodies disband, and their chiefs or governors thus retired to private life. Then they will become citizens in fact, and no longer Indians save by blood. Their guardian, the United States government, will cast them loose to shift for themselves.

The Indian of the Indian Territory is the most fortunate of American citizens. He begins his citizenship splendidly endowed. He has been well educated in the fine Indian schools supported out of the wealth held in

trust for him by the United States. He has been taught trades and professions, and will soon become the possessor of a large body of as fine land as exists anywhere, as well as a large legacy now held in trust by the United States government. Before he becomes a citizen, the United States must pay him his proportion of the millions belonging to the five civilized tribes, and which now lie in the vaults at Washington, D. C.

The Indian owns the Indian Territory, and until recently not a foot of realty could be had by the non-citizen, but the bars are being broken down, and so now title can be gained to the town property, and also land in the Creek nation subject to the approval of the Secretary of the Interior, while in a few years such will follow in the other nations.

Recently, by act of Congress, lots in towns may be bought by non-citizens, the receipts from which go to the tribal funds. But outside the towns, the best the white non-citizen can do is to become a lease-holder from an Indian. When the allotments to the Indian are finished, however, the "outlander" may buy the lands he is now tilling.

The government of the five tribes is patterned after that of the States of the union. Congress passes and the United States Courts execute all laws pertaining to general matter, and the Department of the Interior formulates rules and regulations under treaties with each nation. The incorporated towns have the authority to govern themselves, as in the States, giving an opportunity to provide schools and public improvements.

The territory is divided into four judicial districts and courts are regularly held at Muskogee, Vinita, South McAlester and Ardmore, where United States jails are located. The judicial system of the Choctaw and Chickasaw nations is vested in a supreme court, and circuit and county courts.

By recent treaties, under act of Congress, in 1893, creating the Dawes Commission, and the later provisions of the Curtis act of 1898, the Indiana lands are being allotted to the tribal members. It was found on investigation that, instead of the reservations being used as homes for the Indians they were really diminished by the squawmen (whites who had married Indian wives, and were becoming rich by manipulation of the lands). Under the supervision of the Dawes Commission the lands have been surveyed, the Indians have been listed by name and personal appearance or description, and the land of each tribe is being divided among the tribe's members, all sharing alike. With the Creeks this work is completed. Each of the 16,000 members of the tribes will receive about 160 acres of lands, of which he may sell 120 acres when he receives his deed from the Interior Department, which has representative officers at Muskogee, whose duties are to pass upon all land sales by the Indian, and thus protect him from fraud. The remainder he may sell only after twenty years. After five years from April 23, 1901, all the land except the homestead may be sold without the consent of the Interior.

TITLES.

For many years the white men from the states, the commercial adventurers who left the crowded East to risk their capital in the fresh and lawless Indian Territory to build up its towns and foster its trade, were absolutely without right or title to a foot of the soil they occupied. To this day the non-citizen of the territory may not own a foot of land outside the towns, except within the Creek nation, where farm lands can now be deeded, subject to the restrictions referred to above. In the years that have gone, he has erected his buildings on lots which he held by slight tenure and paid rent to the Indian.

By act of Congress May 31, 1900, the Secretary of the Interior was authorized to lay out and survey all town sites in the territory having a population of 200 or more. To carry on this work Congress appropriated \$150,000.00 to be used in making surveys and appraisements in the Choctaw, Creek and Cherokee nations.

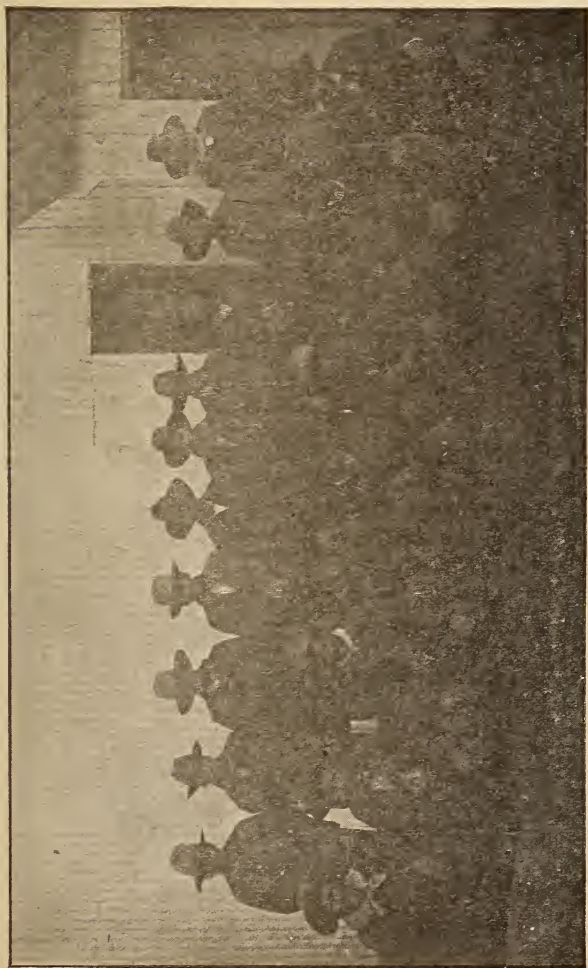
The towns of the Creek nation have practically been surveyed and appraised in accordance with this act, and all the small towns and postoffices of the Choctaw, Chickasaw and Cherokee nations were visited by surveyors. In the Choctaw and Chickasaw nations a supplemental agreement is pending, which provides that occupants or purchasers of lots in town sites upon which no improvements were made prior to the ratification of the act of Congress July 1, 1902, shall pay the full appraised value of such lots, instead of the percentage formerly agreed upon.

In the Choctaw and Chickasaw nations, the first payment, or 25 per cent., must be made in sixty days from the date of purchase, and the balance in three equal annual installments.

No titles to town lots have been passed as yet in the Cherokee nation, because no appraisements have been made.

In the Creek nation a large number of town lot deeds have been issued. The agreement with this nation provides that all conveyances shall be approved by the Secretary of the Interior, which approval shall serve as a relinquishment to the grantee of all right, title or interest of the United States in and to the lands embraced in the deed, and hence the Indian title is extinct. Therefore all deeds to lots in this nation are submitted to the department.

When full payment for any lot in the Creek nation has been made to the United States Indian Agent, he at once, in addition to furnishing the owner of a lot with a final receipt, issues a statement or certificate in duplicate, one of which he forwards to the Principal Chief of the Creek na-



CRAZY SNAKE BAND

tion and one to the Indian Inspector, setting forth the fact that the party named has made full payment for the lots described, in accordance with the appraisal made by the town site commission, and is entitled to a deed therefor. The deed is then drawn by the Principal Chief and transmitted to the office of the Indian Inspector, where the duplicate certificate of final payment issued by the Indian Agent is attached, and the deed is transmitted to the department for the approval of the Secretary of the Interior.

The treaty agreement also provides that the Dawes Commission shall record all deeds; therefore, when the deeds are approved by the department they are forwarded to the commission to be recorded, and the commission in turn transmits them to the Principal Chief to be delivered to the grantee.

In the Choctaw and Chickasaw nations the agreement does not provide that the deeds shall be approved by the Secretary of the Interior, and, therefore, when full payment for any lot in their nations is made the deeds are drawn up in the office of the Indian agent at Muskogee and transmitted to the Principal Chief of the Choctaw nation and the governor of the Chickasaw nation for execution and return. After they are received by the agent, properly executed, they are forwarded to the persons entitled to them.

In appraising town lots a committee is selected for each town, whose duty it is to place a true value on the land exclusive of improvements. The committee consists of one member to be appointed by the Secretary of the Interior, one by the Principal Chief and one by the town authorities, neither of whom shall be interested in any town lot or lands in the town, except one lot upon which he may reside. If the Principal Chief or town authorities fail to appoint a member of any appraisal committee, the appointment may be made by the Secretary of the Interior.

Any person in rightful possession of any town lot having improvements thereon other than temporary buildings,



CRAZY SNAKE
A Notorious Indian

fencing and tillage, has the right to buy the lot and pay one-half the appraised value thereof, but if he fails within sixty days to purchase the lot and make the first payment,

the lot and improvements are sold to the highest bidder under the discretion of the appraisement committee at a price not less than their appraised value, and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lots.

Any person holding lands within the town occupied by him as a home shall have the right to purchase the lots embraced in same by paying one-half of the appraised value. Any person having the right of occupancy of a residence lot in any town, whether improved or not, and owning no other lands in the town, shall have the right to purchase the lot by paying one-half of the appraised value.

Authority has been conferred upon municipal corporations in the Creek nation to issue bonds, borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, water works and school houses, subject to all the provisions of law in force in the organized territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes.

LAND ALLOTMENTS.

Not until the allotment of lands is finished in the Indian Territory can the white non-citizen hope to buy any lands for farming purposes therein. This has been done already in the Creek nation, and land can be bought on ap-
lands in the Creek nation, and land can be bought on approval of the Secretary of the Interior. In the other nations he may have lands, such as have been allotted, or from individuals controlling the allotments of others.

The allotment of lands in all the nations will be finished in about two years. The Creeks are able to deed, while the Seminoles have taken their allotments and are capable of leasing. The allotment of land to the Cherokees has begun. The Choctaws and Chickasaws allotment began in February, 1903.

Among the Cherokees the allotment is 110 acres to each member of the family, average allotable land; Sem-

inoles, 80 acres; Creeks, 160 acres; Choctaws, 320 acres, and Chickasaws, 320 acres. This land is allotted according to the following appraisement:

Description—	Appraised value per acre.
Natural open bottom land.....	\$6 50
Best black prairie land;.....	6 50
Bottom land covered with timber thickets....	6 50
Best prairie land other than black.....	5 00
Bottom land subject to overflow.....	4 00
Prairie land smooth and tillable.....	4 00
Rough land free from rocks.....	3 00
Rolling land free from rocks.....	4 00
Rocky prairie land.....	2 50
Sandy prairie land.....	3 00
Alkali prairie land.....	3 00
Hilly and rocky land.....	2 00
Swamp land.....	2 50
Mountain pasture land.....	1 50
Mountain land, sandy, barren.....	1 50
Mountain land, silicious.....	1 00
Rough and Rocky mountain land.....	50
Flint hills.....	50

No allotment will be made of lands in tracts of less than a quarter of a section, except within the Cherokee nation.

The method by which non-citizens are obtaining farming lands in the Cherokee, Choctaw, Seminole and Chickasaw nations now is by leasing from the allottee direct, or sub-leasing from a lessee who controls a number of allotments. Capitalists in the Indian Territory, generally citizens by adoption, have received enormous tracts of land from the Indian allottees, agreeing to make certain improvements, and paying from 20 to 75 cents per acre each year. The land is divided into small farms, generally 80 acres. A house is built, fences set, a well dug and the farm leased for five years for strictly agricultural purposes to a farmer from the States at a crop rental of one-third of

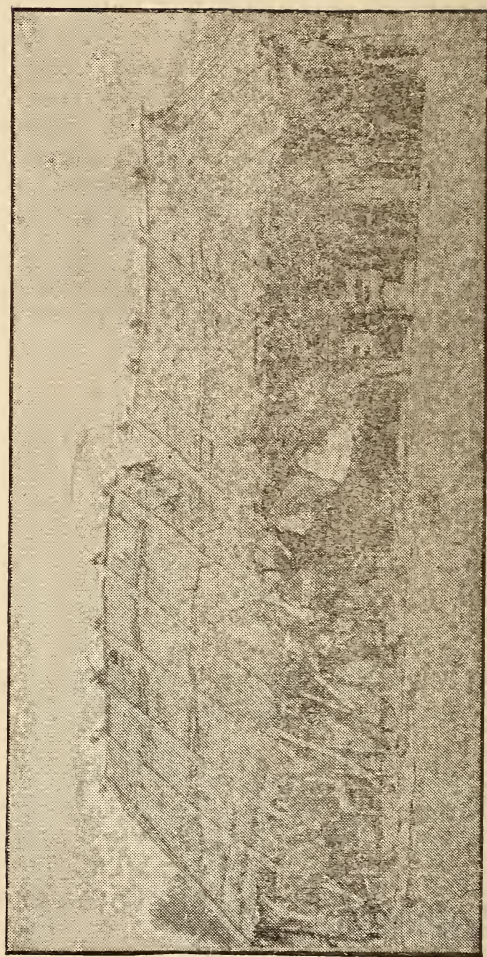
the corn and one-fourth of the cotton. If the lessee is without capital the lessor will generally furnish money for wagons, implements, etc.

It is not unusual that an Indian holds from 1,000 to 1,500 acres in the allotments belonging to himself, wife and several children. From such a man a section, 640 acres, is often rented for \$500.00 a year with the improvements. A tract of 160 acres may be had for 50 cents per acre per year, and the improvements—that is a house and barn, fences and well. Or one may buy a small portion and add to his farm in the following manner: he may lease from the Indian, who as soon as he gets his patent for his allotment may sell his surplus land.

A homestead of forty acres out of every allotment is inalienable forever. At the end of five years, or in 1906, the Indian becomes a citizen of the United States in fact. The treaties are to the effect that the lands are inalienable for twenty-one years, but it is the general opinion that the Indian may sell his surplusage as soon as he obtains his patent, if the buyer desires to take the risk under bond of a decision against the validity of such sales. The ruling was of course made to protect the Indian. But the Indian is no fool. Sometimes he is improvident, but with the exception of the full bloods the Indian is a shrewd trader, and is usually honest in his dealings.

The qualifications for voting in the towns of the five nations are practically the same as in the towns of other territories and states. All male inhabitants over the age of twenty-one years who have lived in the towns for more than six months and who are citizens of the United States or either of the tribes are qualified voters.

The mayors of all towns in addition to their other powers have the same jurisdiction in civil and criminal cases arising within the limits of the town, as United States Commissioners in the Indian Territory.



AN INDIAN GRASS HOUSE

Chapter V.

INDIAN GOVERNMENT.

THE MUSKOGEEES OR CREEKS.

The present form of government, adopted by the Muskogees at the close of the civil war, differs considerably from that of the other nations. It is based upon the United States constitution, and modeled after the old Creek code. Combining, as it does, the semi-barbaric with the modern elements, its constitution is such as to suggest that its framers—however anxious to introduce the modern system of government—were unwilling to quite depart from their primitive methods of legislation. On the first reading of the constitution it was met by almost overwhelming opposition, but was finally carried after a stormy debate. The full bloods at first feared that the introduction of certain modern features in its formation might have a dangerous tendency, but the matter being thoroughly explained their scruples were set aside. The framers of the Creek constitution deserve great credit for the tact they displayed in its construction, combining as it does the best modern form of government with the semi-barbaric code, and in this manner reconciling the full bloods to its adoption.

The government is under the executive control of one principal chief, one second chief, forty-seven members of the House of Kings and ninety-eight members of the House of Warriors.

There are forty-seven towns or petty governments, each of which sends a representative to the Upper House, and from one to three to the Lower House in proportion to the population.

The chief is elected every four years, and his salary is fixed at \$1,000 per annum. The second chief is elected at the same time at a salary of \$700 per year. The office of

the second chief is a sinecure, this lucky individual having no public duties to perform, unless during the absence or illness of the first chief or his death during office, when it becomes his duty to fill the unexpired term. The members of the legislature are paid at the rate of \$4.00 per day and mileage during the sitting of the council, which lasts generally from three to five weeks. Thus the expense of the legislation is a large item amounting some years to almost \$20,000.

The salaries of the Cabinet officers are small. The Treasurer, Auditor, National Agent, National Attorney and National Secretary receiving from \$3.00 to \$6.00; except the National Attorney, who has \$100 per year and \$25.00 on each conviction.

The Creek nation has no counties, but is divided into six judiciary districts, each of which has a district judge. The districts are as follows: Wewoka, Coweta, Muskogee, Eufaula, Deep Fork and Okmulgee. Pre-eminent in point of jurisdiction is the supreme court, which meets twice a year at the capital and is represented by five supreme judges.

To hold legislative or judicial office in the nation it is necessary to be of Indian blood. Intermarriage between a United States citizen and a Creek woman does not confer citizenship except by special act of the Legislature. Consequently there are fewer intermarriages, and the government is wholly in the hands of the Indian people.

The laws of the Creek nation are much better enforced than those of the Choctaw nation, and this fact, together with their distance from the States line, should subject the citizen to less danger from outside intrusion, but such is not true to any great extent.

The constitution of 1866, made provisions for the adoption of the freedmen dwelling in the Creek nation before the war, and thus they are entitled to the full rights and privileges of national born Muskogee citizens.

CHOCTAWS.

During the presidency of Mr. Jackson we find the Choctaws occupying a considerable tract of country in Mississippi, and living under the government of a king, who usually inherited the royal office. Prior to the revolutionary war several kings were appointed by the British, and still further back the French were instrumental in choosing the crowned head.

Next in order came the chiefs, each "iksa" or clan having one principal and subordinate chief. The captain and warriors ranked next, being dominant over the tillers of the soil, etc., etc. The principal "iksa" or clans were the Hyah-pah-tuk-kolo (twin lakes), Oklla-fal-lah-ya (long people), Ol-alla-lumnah-lay (six towns). Chickasaw-hay (Chickasaws), Korn-chas, and the Imok-lu-sha.

The royal home or the home of the kings was of the Hyah-pah-tuk-kolo. It was called the "Hattak-i-hallatah" (beloved of the people) and no Choctaw save of royal blood was permitted to sit upon the throne.

Wonderful has been the change in the form of government of the Choctaws since they migrated to the territory. This we have no hesitation in attributing to the great advantages derived from self-government. A comparison between the Indians who remained in the old States subservient to the American laws, and the members of the five civilized tribes, will do much toward illustrating the extraordinary influence that self-government exerts over a proud but conquered race.

The Choctaws today have an excellent code of laws and wise lawmakers, but unfortunately do not always elect the wisest men to fill the executive chair. Men of brilliancy and great individuality are rarely popular as candidates for this office. The Choctaws prefer a man whom they can rule to one who can rule them, and they usually attain their desire in this respect. The principal chief

or governor is elected for a term of two years. Next in point of prominence come the district chiefs, of which there are four, one for each of the following named districts:

Pushmataha, Hotubbee, Masholatubbee and Apuckshanulbee. Each of these districts is divided into counties presided over by county judges, while there are



OLD STABLES--FORT GIBSON

sheriffs and other inferior officers, all of whom are elected by public ballot. The judicial power of the nation is vested in one Supreme Court besides the Circuit and County Courts. The Supreme Court is composed of three district judges, one of whom is styled chief justice. These courts are carried on with the same degree of formality that is observed in the United States. The legal code, which is kept,

as meant to be kept, in subjection to the treaty is quite voluminous, increasing at every council of the legislative body.

The Legislature meets early in October of each year and continues for a period of from five to seven weeks, the members of both houses receiving five dollars per day. The Senate is composed of four senators from each district, elected for a term of two years, while the members of the House of Representatives are elected by the voters in each county in ratio of one representative to every one thousand citizens. In order to be a member of either of these bodies it is necessary to be possessed of Indian blood, notwithstanding a treaty provision to the contrary.

The business of the Legislature is usually transacted in the native tongue and interpreted into English. The principal chief is armed with a veto which is all-powerful unless a majority of two-thirds be used to defeat him. As a seat in the Legislature is one of the highest honors that can be conferred upon a citizen, the competition during election is brisk and exciting.

CHICKASAWS.

The government of the Chickasaws in early days very much resembled that of the Choctaws, though we have no reference to a queen in our information of the Choctaw race. The Chickasaws even after they departed from their old homes in Mississippi, with a characteristic patriotism, never forgot the old remnant that remained at home. To their queen, Puc-car-imla (Hanging Grapes), they afterward donated \$50.00 per year for life, and to Tishoningo, their head chief, \$100 annuity. To these primitive people at that period these sums were quite a bonanza.

The Chickasaws, instead of being divided into "iksa" or clans as was the case with the Choctaws, were known by their distinctive home names, the descent being traceable backward through the mother's ancestry.

The last king of the tribe was named Ish-te-ho-to-pah. They had also a queen, whom I have already referred to; but I am ignorant as to the extent of her authority. There were also some powerful chiefs who controlled military organizations, subject to the order of the king.



SURPRISED BY THE FOE

The present government of the Chickasaws is patterned after that of the Choctaws. The principal executive officer, however, is styled "Governor" instead of Principal Chief. This change was wrought at the adoption of the constitution of 1856. The nation is divided into four counties—Panola, Pickins, Pontotoc and Tishoningo, each

of which returns three Senators and eight Representatives. The Legislature convenes annually at Tishoningo, the capital, in September and usually continues for one month. Business is principally—or has been—conducted in the English language through the aid of an interpreter, but the disfranchisement of the white citizens has materially changed the aspect of the body legislative which during the years prior to this resolution had risen to a higher plane than any body of lawmakers in the Indian Territory. The House and Senate are now composed of full bloods. The judicial powers of the nation are vested in a supreme, district and county courts, the same as in the Choctaw nation, while the laws relating to criminal and civil offenses do not materially differ.

The Governor's cabinet is composed of National Secretary, National Agent, Treasurer and Attorney-General, which appointments (except the latter, which is elected) are made by the Governor and ratified by the Senate.

The Chickasaws have showed great wisdom. Especially is this noticeable during the last ten years of their government, for the recent political entanglements, which might have resulted so disastrously to the tribal governments had serious party or personal difficulties ensued which is an excellent illustration of the supreme wisdom and foresight of the Chickasaws. Their refusal to risk the loss of their country to gratify feelings of revenge is commendable in the highest degree.

The Chickasaws may justly lay claim to being a most law-abiding people. Notwithstanding their proximity to Texas, there is little or no whiskey introduced to their capital during the Legislature—a statement which cannot be truthfully uttered when referring to some other legislative bodies in the Indian Territory.

CHEROKEES

The constitution adopted by the Cherokees, July 12, 1838, is based upon that of the United States, and differs only from the Muskogees in a few characteristic features. The supreme executive power of the nation is vested in the principal chief, who is elected by the popular vote for a term of four years. An executive council or cabinet composed of from three to five persons is appointed by the National Council to be at the chief's disposal whenever their services are required. In case of death or removal from office, the principal chief's place is filled by an assistant principal chief. The salary of the former is \$2,000, and of the latter \$1,000 per annum. Among other important offices are those of Treasurer, Solicitor-General and Auditor, the two former receiving \$1,000 and the latter \$500 per annum.

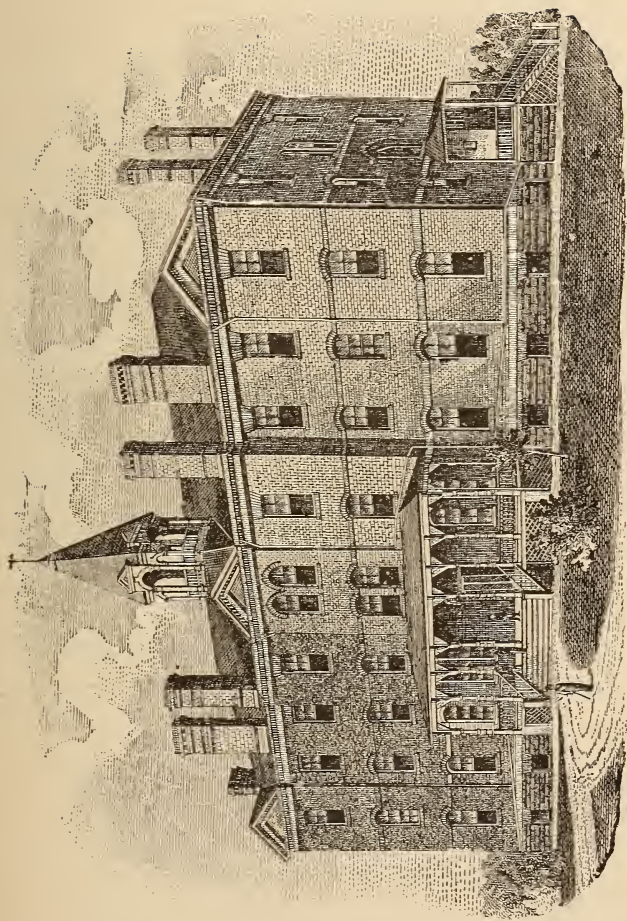
The judicial powers of the nation are vested in supreme, circuit and district courts. The former is conducted by three judges, one of whom is appointed by the council as chief justice. These functionaries receive a salary of \$800 per year, and hold their commission for four years.

There are three judicial districts, each electing its own judge, whose salary is \$600 a year. There is also a district court in each district, and each court is presided over by a judge elected by the people for a term of two years at a salary of \$400 per year.

There are nine districts as follows: Canadian, Illinois, Sequoyah, Flint, Delaware, Going Snake, Tahlequah, Saline and Cooness-coo-wee. Each of these districts sends to the National Council from three to five representatives, in proportion to its population. The annual council convenes at Tahlequah in November, and usually continues for from thirty days to six weeks. The legislative body of the nation is divided into two branches—the Senate and the National Council—and the members are elected

for a term of four years, receiving for their services \$3.00 per day while in attendance. The members are nearly all Cherokees by blood, there being but a few exceptions, but the majority of these representatives are men of much more than ordinary intelligence, and there are some in the body legislative that would do infinite credit to the United States Congress. The Cherokee laws, which, as a matter of course, are based upon the common code, are sufficiently complete for all practical purposes, and are carried out with greater precision and punctuality than those of any of the other nations. There is more regularity and formality in the conduct of national affairs, and less lavish expenditure of the public funds than is observable among the Choctaws and Chickasaws. The higher officers of the nation are usually filled by men who are not only competent, but willing to discharge their duties to the letter. The local laws even to the Sabbath observance, are strictly enforced, and, on the whole, the Cherokees are a peaceful and law-abiding people.





BACONE INDIAN UNIVERSITY.

Muskogee, Indian Territory.

Chapter VI.

SCHOOLS.

Nature in the past has been the largest school of the Indian Territory, and this school is not void of material value. For its teachings lie close to the springs of human interest. Turn the smallest toddler loose in the field, woods or garden, and his every word and act proclaim his descent from "the gardener Adam and his wife."

A little four-year-old stood by her father's side one day while the new prairie sod was being spaded up on the lawn for early flowers. All at once she remarked, with great unction, and gravity, "I like to smell the good old earth." Now, to my knowledge, the child had never heard a like sentiment expressed. There spake the man primeval from the school of nature.

To the children of the home-seeker or non-citizen life on the frontier is a new and an ever varying source of delight; the garden plots they lay out and cultivate, the wild pets they capture, and the domestic ones they claim and care for. The wonders of newly-hatched broods of chicks and the young ducklings; the little pigs; the wild flowers from the first pale violet and anemone to the stately yucca—all are pleasant phenomena, wonderful to the children and a great education is hidden within them. No anise-seed trail nor British fox could awake the enthusiasm felt by the young lads on their ponies as they gallop over the wild meadows, chasing the jack rabbit. Such nature does for the young, but now let us see what man does for himself in the territory toward learning and endowing schools for his children.

Thus far the non-citizen has no free public schools except in the organized municipalities, nor have they any schools for whites except those they have established at their own expense, and these are all in the towns and vil-

lages. The free schools are for the Indians. The white man must pay for his with the above noted exceptions.

Each of the tribes has schools for the primary and academic education of its children, some of them under the



DAUGHTER OF CHIEF PORTER

tribal supervision, and some under the management of the Federal Government. In general, the Indians are better provided for than the whites, though the latter outnumber the former five to one. For instance the Seminoles have a school for boys called "Mekusukey" and another

for girls called "Emahaka," practically its duplicate, that would be a credit to the most advanced eastern city. Out of this trend toward education and the interest taken in the development of the tribes comes the most encouragement for the future of the tribal members. Not for this generation—it is wedded to its gods—but to the children to be brought up under the new individualism will the benefits come in a large measure.



SCARBROUGH INSTITUTE
Ada, Indian Territory

The teachers of the Indian schools are competent and efficient, many of them being graduates of the best institutions. There is a supervisor of schools for each nation, the entire system being under a superintendent of schools vested with authority by the Interior Department.

For whites, these are what are known as neighborhood schools which have been established by private donations and subscriptions.

The incorporated towns have as good schools as can be found anywhere, and it is only a question of a short time

when the country at large will have schools equally as good. At the present time the number of school children between the ages of six and eighteen in the Indian Territory is 75,340; Indians, 16,090; negroes, 4,650, and whites, 54,600.

Also, the churches have a great influence in the education of a country, and while there has never been any statistics compiled, every denomination is represented and many good churches are to be found in all the towns and more sparsely settled territory.

The Indian Territory is the young men's country. Ninety-five per cent. of the business men and officials in the territory today are men still in the first halves of their lives. Gray-headed men are few and far between, and if measured by the number of decrepits this is indeed a country of perpetual youth.

In nearly every walk of life young men are at the helm. Bankers, merchants, lawyers, doctors, railroad men, manufacturers and officials in all the departments are still comparatively young.

Asked where the old men of the country were, one of the young bankers said: "We never had many old men in this country; they do not come here." For almost a hundred years the Indians had full sway here. When opportunities opened for whites, the young men and not the old ones seized them. About the only old white men in the territories are ex-missionaries, ex-Indian agents or ex-something, and they are exceedingly scarce.

Young men are shaping and molding the destiny of the great Indian Territory, and in a few more years when she is added to the galaxy of states young men will manage her state affairs, to the wonderment of all others.

SCHOOLS OF THE NATIONS.

The Indian Territory is practically as well supplied with higher educational institutions as are the adjoining

states. The Indians have a good system of schools both in the towns and rural districts, while, until just recently, no provision was made whatever for the education of the white children in the country districts.

The government schools are as follows:

CREEK NATION.

Seven tribal Indian schools and three colored academies, to-wit:

	Attendance.
Eufaula High School	80
Wetumka Boarding School.....	80
Euchee School.....	75
Coweta School.....	50
Wealaka School	50
Nuyaka School	60
Orphans' School, Okmulgee.....	75

They are all Indian schools and boys and girls both attend them. The colored academies are located at or near Muskogee.

	Attendance.
Tallahassee School.....	80
Pecan School.....	60
Colored Orphan's School.....	40

Among the white and Indian mixed colleges in the Creek nation are:

Henry Kendall, Presbyterian College.....	Muskogee
Spaulding Institution, Methodist College..	Muskogee
Bacone University, Baptist Seminary.....	Muskogee
Catholic Seminary.....	Muskogee

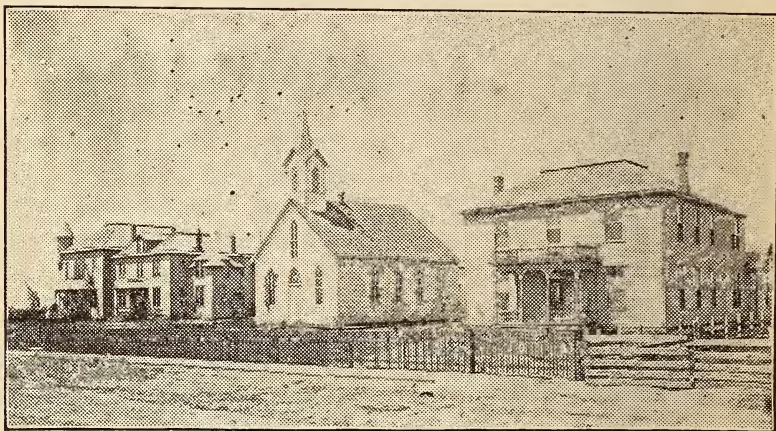
The Creeks have sixty-five rural schools, twenty of which are for colored people.



CHEROKEE NATIONAL FEMALE SEMINARY, TAHLEQUAH.

CHEROKEE NATION.

The Cherokee nation maintains separate schools for boys and girls. No one but Indians are allowed to attend its higher educational institutions. The principal colleges of that nation are the male and female academies. Both are located at Tahlequah. The male academy has 160 pupils and the female academy about 200. The Cherokee Orphans' Academy is located at Pryor Creek and has 150



NAZARETH INSTITUTE

pupils. The nation also sustains a colored college at Tahlequah. Among the denominational colleges for the education of both white and Indians are:

	Attendance.
The Cherokee Academy, Presbyterian.....	100
The Cherokee Baptist Academy.....	100
Willie Halsell College, Methodist.....	160
Dwight Mission, Presbyterian.....	80
Friends' School at Hillside, Quaker.....	120

Besides this the Cherokees have fifty common schools, twenty of which are colored.

CHOCTAW NATION.

In the Choctaw nation the sexes are kept in separate schools. Jones Academy at Dwight is the male academy. It has 110 pupils. The boys' Orphans' College is known as the Armstrong Academy and is located near Caddo. It has 100 pupils. The female academy is located at Tusahoma and has 110 pupils. The Wheelock Academy is the orphan school for girls and is near Gawin. It has an attendance of about 100. There are ten other small boarding schools run as the consolidated rural district schools of Kansas are run. The Atoka Baptist Academy is now changing to the Murrow orphans' home. It has 100 pupils. The Durant College is a Presbyterian school and has a mixed white and Indian attendance of about twenty. The Potean Presbyterian Mission School has sixty pupils. There are two other small mission schools.

The Choctaw nation has no colored schools at all. When the Atoka agreement was made the colored school question was entirely overlooked and as a result negro children have no educational advantages whatever. They are growing up in ignorance. The Catholics have a college at Authers.

CHICKASAW NATION.

Tribal colleges in the Chickasaw nation separate the males and females. The Bloomfield seminary for girls has an attendance of about 100. It is located just across the Red river from Denison, Texas. The boys' academy is known as Harley Institution, and is located at Tishomingo. Its attendance is about 100. The Collins Institution at Stonewell is also a girls' academy and has fifty pupils. It is known as Rock Academy. The Chickasaw Orphans' home for both boys and girls is located at Lebanon and has seventy pupils. That nation has eighteen

common schools. Among the mixed—white and Indian—schools in the Chicksaw country are:

Hargrove College, Methodist	150 pupils
St. Joseph's Catholic Academy	100 pupils
El Meta Band College, Private School	100 pupils

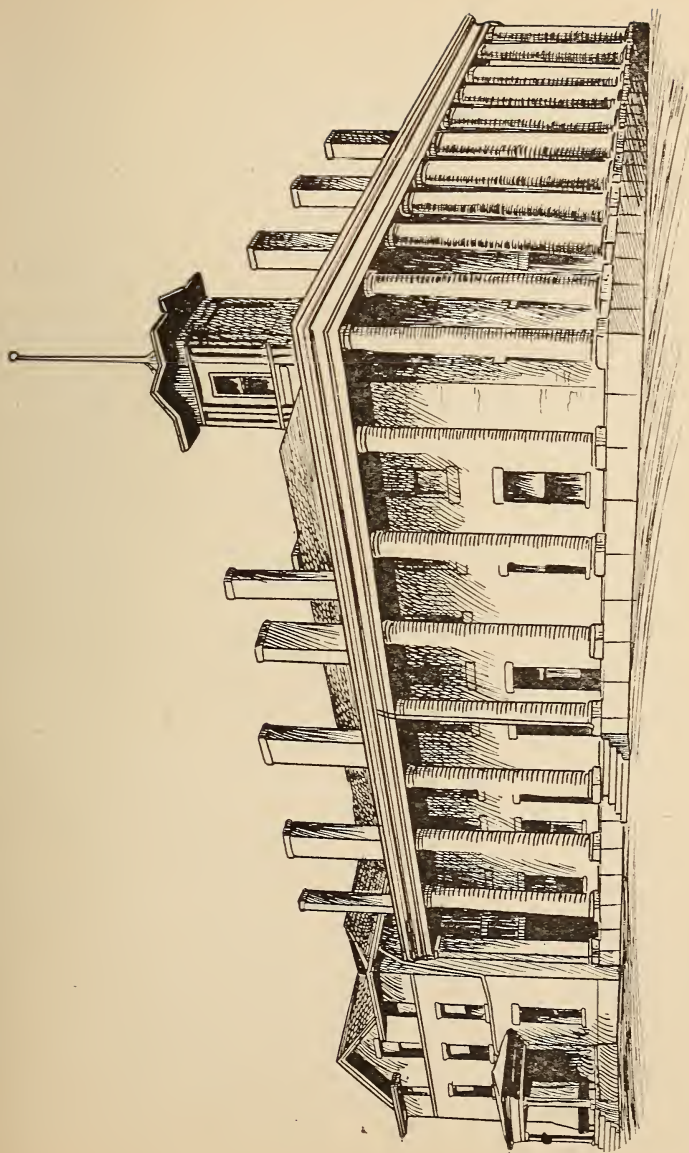
The Seminole nation maintains tribal academies at Wenoka and Enahaka and a few small country schools. No mission schools are located in that nation. The Seminole nation is only forty-two miles long and fourteen miles wide.

The Creeks furnish their tribal schools with books, tuition and board. The Cherokees supply books and tuition, but the pupils have to pay board. The Choctaws supply books, board, tuition and clothes. The Chickasaws furnish books, board and tuition.

In the Cherokee nation about nine out of ten teachers are Indians. In the Creek nation about eight out of ten teachers are white. The same ratio holds true in the Choctaw and Chickasaw Colleges. The Indian teachers average up with the white. They were handicapped at first because they had never had any normal training but summer normals were established a few years back and the Indian teachers have taken greater interest in normal work than have the white teachers.

The different nations stand most of the expense of these summer normals. The teachers get their board and tuition for \$12.00 per month. This is below cost price. John D. Benedict is the government superintendent of Indian schools.

Normal training has been advanced very encouragingly in the Choctaw schools, but has not as yet been introduced into the schools of the other nations. Mr. Benedict is now introducing agriculture and horticulture, but no funds are available for such an institution.



CHEROKEE NATIONAL MALE SEMINARY, TAHLEQUAH.

Chapter VII.

INDIAN RELIGION.

MUSKOGEEES.

The only religious ceremony of any importance among the Creeks, was the Busk or Green Corn Dance, an annual festival similar in purpose to our national Thanksgiving. Wherever Indian corn was grown, the ripening of that grain constituted an important era in the year. The whole band usually assembled to celebrate this festival. It was the custom of the time to produce fire by rubbing two sticks together and the fire thus produced was sent from band to band as a token of friendship. At the place of assembly a large fire was kept up, and around it was gathered the warriors and women, dancing and singing songs expressive of their gratitude to the Great Spirit for sparing them and their friends throughout the year. But should famine or pestilence have overtaken them, or many of their people have fallen in battle, then their joyous songs were intermingled with wailing and mournful sounds. Such national calamities were attributed to the crimes of the people, and pardon was thereupon invoked. Before the feast was commenced the "Black Drink" was handed round. This drink was composed of the leaves of a small bulb known by them as arsee. It was drunk in large quantities, and being a powerful emetic, had the effect of cleansing their stomachs so thoroughly, that they were in a fair way of being able to do justice to the feast of boiled corn, which frequently lasted for days at a time. During their festival should a criminal or culprit escape from his bonds and make his way into the charmed circle, or into the square, during the dance, he was considered as under the protection of the Great Spirit, and his pardon was secured.

But as education progresses among the Indians, superstition is dying out among them, and faster perhaps among the Creeks than most of the other tribes. Scarcely ten years ago, in the Chickasaw nation, several so-called witches were burned (or otherwise put to death), but such horrors have not been resorted to for many years in the



READY FOR A DANCE

Creek nation. In early days prophecy was considered a very great attribute among this people, and there still remains one of the old prophets—a full blood named Conchakeholo—in whom the unenlightened have a firm belief. By their people he is consulted when members of the family are sick, or on the loss of a horse or other property. Although Conchakeholo does not pretend to be a physician or to personally cure the patient, yet he assumes to know the nature of the disorder at once, and directs the sick person either to a certain physician or to some medium through which (or through whom) the cure is to be effected. Sometimes the afflicted person will be under the influence

of an evil, through the presence of some creature in the body. One unfortunate was told by the prophet that a grasshopper had leaped down his throat and was sent off to the medicine man, who gave him a nauseous black draught to swallow, which must have soon set the inquisitive insect at large. In the case of a lost or stolen horse, Conchakeholo would call for an article of wear, a blanket or other garment, the property of the owner of the animal, and after a close inspection of the same, tells the whereabouts of the horse (or guesses at it) and the best method for its recovery. As I have before stated, the uneducated full blood believes implicitly in the foresight of the prophet, while the whites and half breeds persist that his prophecies prove as often false as true. But the philosophical old fellow ignores their opinions and goes ahead with an eye to business—his fee—which varies from a quarter to one dollar—being placed on the gallery of his home before he furnishes the desired information.

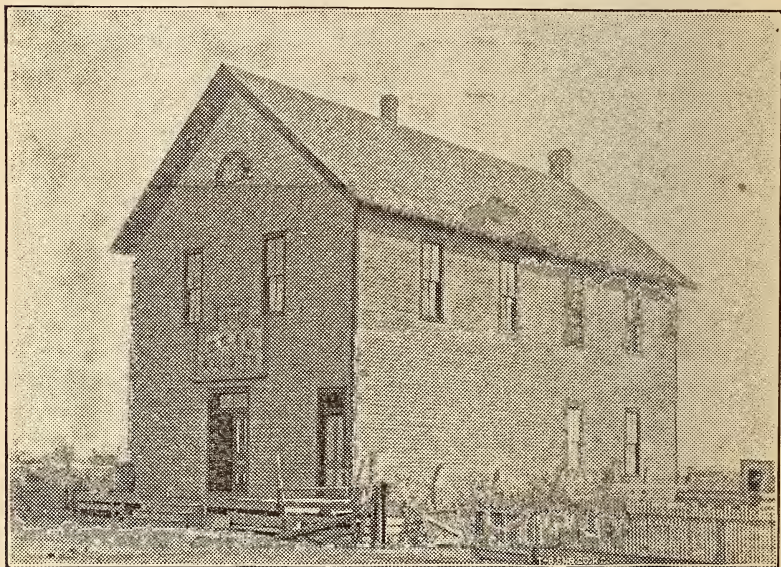
Almost every neighborhood or town used to have its medicine man, who not only introduced his magic and mummery, but makes use of herbs and vegetable compounds in his practice of which the latter are said to be very efficacious in the cure of malarial diseases.

But of late years even the full bloods have begun to lose faith in the medicine man, especially where he uses his magic arts in lieu of pills and powders.

CHOCTAWS.

Like other aboriginal races, the Choctaws believed in the Great Spirit before the advent of the early missionaries. But instead of obstinately setting their faces against the truth, as the majority of the tribes have done, their people, with characteristic eagerness for knowledge, flocked together to listen to the word of God from the lips of Kingsberry, Byington and other disseminators of Christian doctrine. While the Choctaws embraced Christianity

with apparent readiness, yet they by no means considered themselves under the obligation to forsake their ancient rites, customs and superstitions, and it was not until 1834 or thereabouts, when stringent laws were enacted, that they forsook the horrible practice of burning to death or otherwise torturing and killing persons accused of witch-



W. C. T. U. LODGE BUILDING - MUSKOGEE

craft. This custom, however, has been completely abandoned among the Choctaws for nearly thirty years.

The medicine man, or conjuring doctor, has also become unpopular through the enactment of a law passed in 1837, forbidding him to receive fees such as horses, hogs, guns or cattle, should the patient die under his care. But should he succeed in raising the sick he is entitled to any remuneration offered him. Education, and the presence

of modern medical science, has ruined the demand for the conjuring doctor, who is now almost a personage of the past.

CHICKASAWS.

As a people, however, the Chickasaws are not as susceptible to religious training as the Choctaws; but if deficient in this respect, they are certainly their equals intellectually. The Chickasaw full bloods, however, are more superstitious than their neighbors. Witch doctors and "Pashofah" dances being still popular to a certain extent in some localities. The dance of the "Pashofah," which is believed to be a certain cure in many stages of disease, is carried on in front of the patient, who is placed in a house facing the east, and only accessible to the Medicine Man, who performs his craft in secret. Meanwhile the guests dance with great energy, a young woman of the tribe juggling a few pebbles in a pair of terrapin shells suspended from one of her limbs. A huge pot of meat and corn boiled together is then served by means of a large wooden ladle, which is passed around until everybody is satisfied. They believe that each visitor in this way carries away a portion of the disease. During the ceremony the greatest importance is attached to the most trifling circumstances. The full bloods' faith, however, has considerably declined within the last decade. Although as recent as six years ago, close to Penington, an elderly woman suffered a violent death under the charge of witchcraft.

The late Ben Cunnyatubby is said to have killed an old Medicine Man twelve years ago. Several of his children having died, he sent to the Creek nation for a native doctor, who on his arrival pronounced the deaths to have resulted from witchcraft. Becoming furious on hearing this, Cunnyatubby immediately swooped down upon the old doctor and killed him and his little son. The above is de-

rived from the most reliable authority. In ancient days, any disastrous occurrence which was difficult to account for was at once attributed to witchcraft, and some innocent, unsuspecting person of either sex became the sufferer.

CHEROKEES.

What has been said of the earlier religions of the Muskogees, Choctaws and Chickasaws in a measure corresponds with those of the Cherokees. However, such missionaries as Worcester, Butler and several others, won their confidence before they came to the Indian Territory. These missionaries were heroes in the truest sense of the word, and their work and hardships among the aborigines planted Christianity more firmly in the hearts of the Cherokees and earlier, too, than their Muskogee, Choctaw and Chickasaw brothers were taught.



Chapter VIII.

SOCIAL LAWS AND CUSTOMS.

MUSKOGEEES.

One of the ancient laws among the Muskogees, one which was adhered to very strictly, was that no member of the tribe should marry within his own clan. Every child belonged to its mother's clan. It was, therefore, customary for the young warrior to apply to the uncle or maternal relatives of the girl for the necessary consent. This being granted, the lover usually killed a deer and laid it outside the door of the young woman's wigwam. If the present was accepted it was a good indication, but if it was suffered to remain untouched, the wooer might then consider that his suit was a failure. Instead of grieving intensely, or destroying himself in a fit of despair, the rejected lover usually sought a mate elsewhere, and in this philosophy, at least, the Indian shows a wisdom superior to many of his white-faced brethren.

One of the proofs that might be used in favor of the argument that the American aborigines are of Asiatic descent, was the Creek custom of purification among the women, who, at regular periods, retired into solitude, using only eating and drinking vessels which were retained for the occasion. Their retirement during child birth was also observed with religious strictness.

The Creeks did not look upon polygamy with any prejudice; on the contrary, it was adopted to a great extent by the leading chiefs and warriors, many of the more independent possessing three or four wives. Their choice in the matter was usually regulated according to their finances, and it was considered a grave breach of morals for a warrior to marry more wives than he had the means to support in a comfortable manner. Many of the war-

riors in those days had an abundance, while not a few of the chiefs were comparatively wealthy, possessing as many



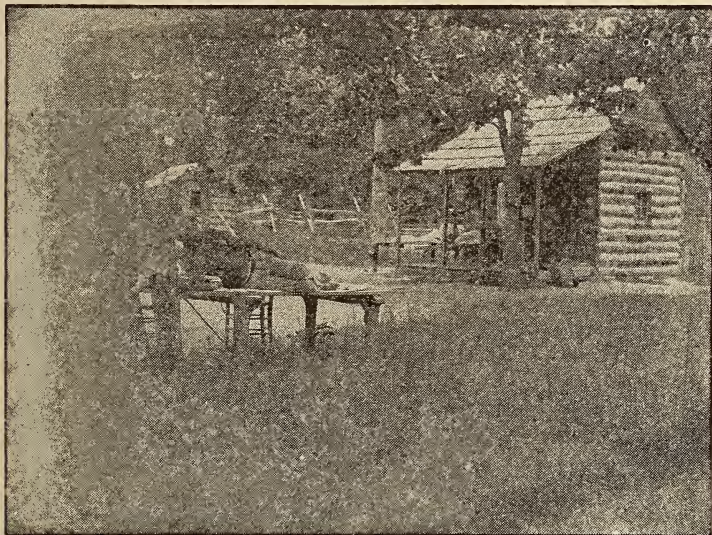
HUNTING THE TRAIL

as from twenty to sixty slaves, besides large stocks of horses and cattle.

CHOCTAWS.

The "iksas" or clans, which I mentioned in the chapter on government, lived apart from each other and never married outside their own "iksa," it being a serious breach of the law and punishable until 1836, when the act was hap-

pily repealed. Of the clans the Hyah-pah-tuk-kolo (twin lakes) was predominant, its people being most powerful and enlightened in the arts of war and peace. The Royal House, or the House of Kings, was of the Hyah-pah-tuk-kolo. It was called the "Hattak-i-hollatah" (Beloved of the people), and no Choctaw, save of the royal blood, was



THE FULL BLOOD AT HOME

permitted to sit upon the throne. The extreme in every respect of the Hyah-pah-tuk-kolos were the Okalla, Hannah-lays, or Six Towns, who were of a lower caste, a people without the ambition or education which marked the royal "iksa." Of them it is avowed that they often made use of carrion or the carcasses of dead fish and animals. This was of course in an early day, before religion and education had placed them on a footing with the other clans. In the year of 1820 a small body of their people who dwelt on the banks of Hyah-wah-nah, or Winding Waters, arose

in arms and assassinated a white trader. Their brethren, who had been always friendly to the whites, were so enraged at this act that they proceeded to punish the lawless Hyah-wah-nahs. But the latter, fearing the result of their crime, left the country en masse and went to Louisiana; afterward wandering from place to place in Texas and New Mexico until 1840, when they stole a march in the Choctaw nation, settling on the borders of what is now called "Hyah-wah-nah Prairie," twelve miles northeast of Atoka. For some cause or other they did not long remain in possession of their beautiful location, one which was admirably adapted for an aboriginal settlement, the hills and mountains being full of game, and the waters of the mountain creek well stocked with fish. It is believed by some that they were driven from the country by their brethren and compose that little band now residing in Southeastern Texas. The ruins of their houses, which were built chiefly of rock, may be seen at the present day on the border of the creek which bears their name.

Regarding the Indian people it is worthy of observation that the full bloods never erect their dwellings beside a public highway, nor within proximity to each other, but rather seek an isolated spot at the foot of some hill and close to water. Here they cultivate a small patch of corn and raise their hogs, upon which food they chiefly subsist. I refer now to only a small minority or unenlightened portion of the population, for the vast majority of the Choctaws as well as the other civilized tribes of the territory are equal in point of intelligence, more independent and better housed and fed than the peasantry of the European countries.

Of the educated citizens of the Choctaw nation, it can be truthfully said that in proportion to the opportunities they have received in the same ratio they are equal to the Anglo-American race, intellectually, morally and often financially—for many of them exhibit strong traits of ac-

quisitiveness and economy. Physically, however, the Choctaws are far inferior to their pale brethren, and quite a number are passing away every year from the ravages of pulmonary diseases, which are very common, especially among the half breeds. The prevalence of consumption may be accounted for by the ancient custom of intermarriage with their own kindred or clan.

CHICKASAWS.

The Chickasaws have not, like the Choctaws, adopted the negro freedmen owned by them before the war; and in this instance it appears that they have demonstrated superior statesmanship, as the rapidity with which the negroes increase in population would place them in control of the government before twenty years. These negroes are still, however permitted to cultivate the public domain without hindrance until some practical arrangement is made for their removal.

MARRIAGE: The cost of a license authorizing a white man to marry a citizen of this nation is fifty dollars. Other provisions must also be complied with, so that there is less intermarriage than before and less likelihood of adopting useless and impecunious members of society.

Many of the Chickasaw full bloods are very intelligent, being educated beyond the average of the white man raised and schooled in the farming communities of the United States.

CHEROKEES.

In physical appearance their people were a splendid race—tall and athletic. Their women especially differed from those of any other tribes, being tall, erect and of a willowy delicate frame, with features of perfect symmetry and complexion of olive. The warriors' heads were shaved, except a patch on the back part, which was ornamented

with plumes, while their ears were slit and adorned with large pendants and rings.

The Cherokees enjoyed greater longevity than any of the Indian races, owing to the pure air they breathed



INDIAN BOY IN BASE BALL COSTUME

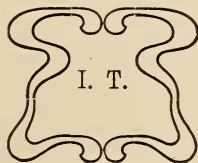
and the mountain streams from which they drank for they occupied only the most healthful localities.

Unlike other Indian nations they had no laws against adultery, and both sexes being unrestrained in this partic-

ular, marriage was frequently of short duration. They observed some singular rules in relation to the burial of the dead. When a patient was pronounced past recovery, his hair was anointed and his face painted, and the grave being prepared before hand, he was interred as soon as the breath left his body.

Of all the Indian tribes the Cherokees were the most proud and disdainful. Especially was this trait exhibited in their early intercourse with the Europeans, the soldiery and the lower class of whom they despised most cordially. The warriors would not associate themselves with anybody less than the superior officers and generals of the English and French armies. The first treaty made by the Cherokees was with the British government, and was consummated at Dover June 30, 1721.

These are only a few of many of the interesting customs which I might relate, but a work of this kind is not for that purpose only in a very general way.



Chapter IX.

TAXES.

The taxes paid in the Indian Territory are devoted to citizens' schools. Every non-citizen in the territory has to pay an occupation tax. Every enterprise is taxed, all revenues being for the benefit of the Indian land-owner. The taxes vary in each nation, the lack of uniformity being due to tribal legislative differences. It is the intention to have a common basis after present commissions complete their work. A few instances of the requirements I quote:

In the Choctaw nation merchants are assessed one and one-half per cent. of the value of the goods introduced for sale. In the Chickasaw nation, one per cent. of the capital employed. Citizens have to pay \$5.00 for every farmer or renter employed, and \$2.50 for every hired hand. There is no cattle tax in the Choctaw nation, but no cattle can be brought in except during November and December, and then only to be kept within feed pens and legal inclosures. In the Chickasaw nation non-citizens pay \$1.00 residence tax; five cents per head on sheep and goats, and twenty-five cents per head on other stock. A royalty of eight cents per ton is charged on coal, sixty cents per ton on refined and ten cents per ton on crude asphalt.

Cherokee citizen merchants are taxed one-quarter of one per cent. of the first cost of all merchandise. They are also taxed fifty cents per head on all cattle introduced or purchased from non-citizens who have introduced them into the nation, and twenty-five cents per head per annum grazing tax. Peddlers are taxed five per cent. of the amount of goods sold. Non-citizen traders in Canadian districts are not required to pay tax. Prairie hay cut for sale or shipment twenty cents per ton.

In the Creek nation merchants pay one per cent. of first cost of goods or merchandise offered for sale; physicians

and lawyers \$25 per annum; other professional men and tradesmen are taxed amounts varying from \$6.00 to \$250.00 per annum. No tax on hay or cattle introduced.

Each nation requires non-citizens located or residing within its limits to pay an occupation tax. The various nations manage their own affairs through their officers and legislatures, whose acts are first approved by the President of the United States before becoming effective. In three of the nations the highest officer is called chief, in the others, Governor.

Under authority of the Curtis act, the Secretary of the Interior can lease oil, coal, asphalt and other mineral lands in the territory for a term of fifteen years. The rental of each lease is fixed at \$150.00 per annum for the first and second years, \$200.00 for the third and fourth years, and \$500.00 per annum for each succeeding year, all rental payments to be made annually in advance. All such payments are made a payment on the royalty to be paid when each property is developed and operated and the production is in excess of the annual payment, which is 15 2-3 cents per acre.

Towns and cities in the territory have no power to impose or levy any tax against any land in the town or city until after patent is issued from the tribe. After deeds are issued of course regular taxes can be imposed. Until such title is secured, all other property, including all improvements on town lots with all occupations and privileges, are subject to taxation for municipal purposes, not to exceed 2 per cent. of the assessed value.

The laws of the State of Arkansas have recently been applied to the territory and the United States Court has jurisdiction to enforce them.

Chapter X.

ITS TRADE OR WEALTH.

Because of the incongruous and chaotic conditions of the relations between citizens and non-citizens in the Indian Territory, statistics relating to commercial enterprise and progress are difficult to obtain. No industry in the Indian Territory has the cohesion that in the States produces facts and figures relating to its development from year to year. In several of the larger towns chambers of commerce have been established, but they are mainly associations of business men for the purpose of advertising the towns and inducing merchants and factories to locate in them. There is no banking association that makes a record of the banking business. This is, of course, due to the fact that the territory has no form of government save paternal. The scarcest article in the Indian Territory is money, because of the lack of security owing to the existing laws, circumstances and conditions. The security that commands money in the States is entirely lacking in the Indian Territory, except as it applies to mortgages on real estate in a certain few towns, or to mortgages on live stock. The development of trade and manufacture is therefore seriously hampered.

This greatly retards the development of mines, oil and natural gas wells as well as all other industries. Nothing can be done until the territory gets some form of state and exact government as represented in statehood.

There are no roads and bridges in the territory sustained under official supervision, and what little is done along this line comes from the pockets of the non-citizen merchant and manufacturer.

As an example of the rapidity with which conditions change, a banker at Muskogee, when asked if he knew how many banks there were in the territory and their aggre-

gate capital and deposits, replied that he had no conception of the subject, that it had entirely grown away from him, but the same banker said: "I know of no banks that have failed or I would have heard of it."

In the past two or three months at least a dozen and probably more banks have sprung up within a radius of fifty miles of Muskogee, most of them having a capital of \$25,000.00, and as high as \$200,000.00, the bank with the



ONE OF THE MANY COTTON FIELDS

largest capitalization being the Territorial Bank of Muskogee, with a capital of \$250,000.00.

How many new ones there are outside the sphere of the business of these banks can only be estimated.

During the season of 1902-3 cotton raisers were paid \$370,000.00 for their product by the factories of Muskogee alone, which, with the sale of oil and meal, brought Muskogee \$500,000.00. Ardmore is another great cotton town, with a great cattle trade as well.

In mentioning the trade of Indian Territory the coal should not be forgotten for South McAlester, Coalgate and

many other places send many trains of fine semi-anthracite coal to the various states for market; also there is a great quantity of fine building stone, some of which is being marketed in shipping quantities; fine brick, both for building and paving is being manufactured in several places, and soon the development of the oil industry will send many tank cars in all directions, for the Bartlesville district is thought to be one of the best fields in the United States, and great oil men are seeking that locality and obtaining all the holdings they can get.

The cattle business, of course, is one of the largest enterprises of the territory, but others will soon excel it, namely, farming and fruit growing.

The hay business of the Indian Territory is a business that is assuming large proportions and is growing rapidly each year; and much wealth has been already made through the leasing of the grass lands, putting up the hay and disposing of it both for home consumption and by shipping it to northern markets. The hay is of an excellent quality and the lands produce well.

With a stable government and good land titles the commercial impetus would be tremendous, and would rank the Indian Territory with the most wealthy State of the Union. This will soon come and when it does the Indian Territory will surpass Oklahoma many times in the production of cereals and in the exporting of minerals, oils, lumber, etc.

It would not do to pass a subject of this nature without giving credit to the vast amount of railroad building that has been done within the territory during the last two years, for railroads have been built and put into operation to such an extent that every one of the nations has from one to three roads crossing its fertile lands. The building of these has been followed by the building of many new towns all of which are in a flourishing condition, much less to mention the many thousand acres of valuable land they

have brought within the radius of good markets. Besides the millions of wealth within the railroads alone, they have been the means of developing millions in the varied lines of industry. The principal trunk lines that cross the territory are briefly stated as follows:

Missouri, Kansas & Texas Railway, the pioneer railroad into the territory, runs in a southern direction across it, crossing the Cherokee, Creek and Croctaw nations.

The St. Louis & San Francisco traverses the Cherokee nation from northeast to southwest to Sapulpa, where it branches, going south into the Creek, Seminole and Chickasaw nations. It also has a line entering the Choctaw nation at Jenson and passing down through the nation to Paris, Texas.

The Atchison, Topeka & Santa Fe enters south of Caney, Kansas, running along the western side of the Cherokee nation.

The St. Louis, Iron Mountain & Southern Railway comes in below Coffeyville, Kansas, passes southerly through the Cherokee nation and into the Creek nation and goes east into Arkansas.

The Kansas City, Pittsburg & Gulf Railroad enters the east side of the Cherokee nation passing southerly through it into the Choctaw nation, and passes into Arkansas.

The Choctaw, Oklahoma & Gulf Railroad enters the Choctaw nation from Arkansas, running westerly across this and the Seminole nation into Oklahoma.

The Gulf, Colorado & Santa Fe crosses the Chickasaw nation north and south almost through the center of it.

The Chicago, Rock Island & Pacific Railway runs along the western boundary of the Chickasaw nation passing entirely through it.

The Arkansas & Choctaw Railroad enters the Choctaw nation at the southeast corner of the territory and passes entirely through the southern portion of the Choctaw and Chickasaw nations into Oklahoma Territory.

The Ozark & Cherokee Central Railway enters from Fayetteville, Arkansas, and passes westerly through the Cherokee and Creek nations, and is extending into Oklahoma City.

The Choctaw, Oklahoma & Gulf Railway runs from Hartshorne, Choctaw nation to Ardmore, Chickasaw nation, and will be extended on west into Oklahoma Territory.

The Missouri, Kansas & Texas Railway is also extending their main line by the construction of a line from Wybark, Creek nation, up the north valley of the Arkansas river to the main line of their new road running from Bartlesville, Cherokee nation, to Oklahoma City, known as the M., K. & O. The same road is also extending their line from Coalgate, Choctaw nation, into Oklahoma City.

The Ft. Smith & Western Railway runs west from Ft. Smith, Arkansas, across the Choctaw and Chickasaw nations.

The Muskogee Southern Railway now being constructed from Muskogee in a southern direction crosses part of the Creek, Cherokee and Choctaw nations, and connects with the Kansas City Southern at or near Poteau, and will also be built northwest from Muskogee into Oklahoma Territory. This will open up a very fertile section of the Indian Territory. This road and the O. & C. C. Ry. are the results of the efforts, industry and skill of local men, who are also engaged in other extensive railroad development in the territory.

There are quite a number of other roads proposed and will no doubt be put into operation.

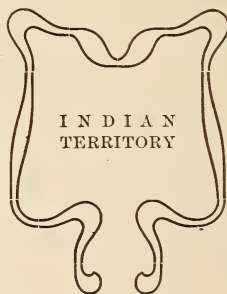
A very interesting presentation of the wonderful wealth of Indian Territory from an agricultural standpoint is shown by the recent publication by the government of a report showing the actual number of bales of cotton ginned in all of the cotton producing sections of the Indian Terri-

tory as compiled by government employes commissioned to perform this one work.

In 1903 the number of bales of cotton ginned in the Indian Territory was as follows:

	Bales.
Chickasaw Nation.....	148,028
Choctaw Nation.....	100,381
Creek Nation.	92,947
Cherokee Nation.....	65,354
Seminole Nation	2,871

Oklahoma's total cotton output was 218,690, or 190,901 bales less than Indian Territory, with everything to the advantage of Oklahoma.





A HERD OF CATTLE

Chapter XI.

INDUSTRIES.

In agriculture no country in the world offers more advantages than the Indian Territory. There is not a state in the Union where so many fruits, cereals and vegetables can be grown side by side.

In the fields one can see corn, cotton, wheat and oats—the four chief cereals of America—growing adjacent. In fruits everything that is not strictly tropical can be grown in the territory. Vegetables of all kinds are profitable and can be grown to a certainty.

With such a diversity of crops the Indian Territory is protected from total failure.

The live stock industry has had a notable increase in better grades of cattle being introduced, and better care is being taken of the stock. The larger ranches have diminished and the smaller stockmen have flourished. Instead of having thousands of cattle in one herd and these of the long-horned species there are now from ten to a few hundred head in a herd, cared for by the general farmer, and the cattle are of the Durham, Polled Angus and Hereford breeds. But this country is fast reaching the conditions when there will be smaller herds and better quality will take the place of quantity.

Hogs pay especially well. They are largely free from contagious diseases which make inroads on them in other states, and better breeds are being raised all over the territory.

All the cities of the territory have had a marked growth; but this is not astonishing when the vast possibilities of agriculture and manufacture are considered.

To the farmer of the Northern States the Indian Territory offers many opportunities not to be had in the older settled communities, a most important one being the in-

crease in value of his lands by the development of the country.

Diversity of crops is invaluable to the farmer. He does not have to depend upon corn, wheat, oats, cotton or any one crop. His year's work pays because he always has at least one commodity that is bringing a high market price.

This can be done. All northern men who have visited the territory in the past and have been shown the country have remarked when in mid-winter they have seen cattle, horses and mules feeding on the winter wheat, "What a difference there is between stock raising in the territory and in the Northern States." No six months feeding up all that has been raised the other six months of the year. In fact no feeding is necessary except in the wet season, when the stock would damage the wheat, and possibly a few weeks in the spring, between the time when stock is taken off the wheat and the grass starts.

Another great advantage the citizen, or rather non-citizen, of the Indian Territory has over his agricultural brother of the North, is that the winters are short and mild, and there are only a few days when it is not possible for the farmer to plow his ground. Backward spring seasons do not keep him from putting in his spring crop when the proper time comes. The summers are long, though never excessively hot, and the nights are always cool and refreshing. Here one good energetic man can do more than two men in a severe climate, if he plans his work properly.

As the lands pass into the ownership of white settlers the development will be enormous. The Oklahoma wheat belt, renowned the world over, extends south to the Chickasaw and Choctaw nations, and east through the Creek, Seminole and Cherokee nations, and an average yield of twenty-five bushels per acre is annually harvested. Oats, barley, rye, alfalfa, millet, etc., are grown to advantage,

and corn is a most certain and productive crop. The cotton crop is next to that of Texas, and the staple is grown all over the territory, finding a ready market at the highest price. The yield from a half a bale on the uplands, to a bale and a half in the bottoms, with the enormous acreage, makes cotton the most important territory product. Vegetables and fruits grow abundantly and are an ever increasing source of revenue. Strawberries, blackberries and other small fruit, potatoes, yams, navy beans and all garden products are cultivated for northern markets. The diversity of crops is a great advantage, obviating as it does the necessity of dependence on one or two staples, and prices are better in nearly all cases than in the neighboring states. Prairie grass is still abundant, making excellent pasturage for the many herds of cattle for which the Indian Territory has long been famous.

Stock raising is as profitable as agriculture, and the close proximity to Kansas City, St. Louis and Chicago markets offers splendid inducements. Great herds of Texas cattle are annually shipped or driven in, owing to the fine pasturage, and after having been fattened are shipped to the market. Pasturage is now leased from year to year. The increasing growth and expansion of the territory will eventually change the system, and in time as it has already begun there will be fewer large herds of cattle, but as every farmer will own a few head it will make a greater number of cattle in the aggregate.

In timber there are approximately a million acres, mostly in the hilly districts of the Choctaw nation.

The universal wealth of the territory is an unknown quantity. Bituminous coal is found in the Choctaw, Chickasaw and Creek nations, and the mines are worked under leases, a royalty on the coal mined being paid the United States government for the benefit of the Indian. The veins of coal range from four to five feet in thickness and the quality is excellent, and it is said to be the best gas and

coke coal west of Pittsburg. The supply is practically inexhaustible. Oil and asphalt await development; particularly is this true in many localities, but the wells are capped because of the inability to obtain titles to the lands from the Indians. When deeds can be given oil will be one of the foremost products. The immense coal fields in



A COTTON GIN—ARDMORE

the Turkey Creek, Wilburton, Krebs, South McAlester and Coalgate districts are being rapidly developed and large shipments of coal are annually made from these points to Texas and Mexico and the East and North. It is a very interesting sight to travel through this section of the territory, and see the miles and miles of siding filled with cars loaded with the shining black wealth awaiting transportation southward, eastward and northward. Good iron and

zinc will undoubtedly be found in paying quantities when the fields are developed. A plenteous supply of good building stone, limestone and granite, and especially marble, susceptible of a high polish is found throughout the territory, and especially at Marble City, Cherokee nation.



A COWBOY OF THE TERRITORY

It is also a great pecan country and many people follow gathering and marketing them for an occupation.

It must be remembered that in the early settlement of any country, and more particularly has this been true in the territory, the farming population were compelled to look after necessities of life, subdue the native soil and plant crops that would insure an income with the least possible delay; so the matter of orchard planting was, to a great extent, confined to small areas and a few of the

standard apples and peaches. Consequently the pear, cherry, apricot, etc., were left to the last and but few pear trees are yet in good bearing. However, there has been enough of them marketed to become noted, not only for their size, but for their color and flavor as well, the requisites so eagerly sought for by fruit growers. Peaches grow very large and do well, but they do not rank as high as do the apple and the grape. It is a difficult task to convince some people that apples of the same variety which grow in different localities are widely different in point of flavor and general character, yet no more distinct evidences of this exist than is found in the Ben Davis grown in the Indian Territory, as compared with all other sections of the apple producing region; their fine flavor and rich, juicy qualities baffle the judgment of some of the best connoisseurs. Such is true with many other standard sorts. The orchards are not very many, and are all young, so of course do not supply the local demand. Most of the apple trees that have been planted are in the hands of inexperienced fruit growers, and are neglected to a great extent. No better opportunity exists for skilled orchardists than is presented in the Indian Territory, as that is, perhaps, the extreme south limit of the apple belt, and in the very cream of a market. When given the proper care, the trees are rank and thrifty, the crop is excellent for young trees, the quality very fine and markets good.

Central and Southern Indian Territory is the ideal home of the grape; all varieties of the American grape grow perfectly, and produce annual crops of from two to three tons of choice fruit per acre. The grape demands an open, porous, sandy, well-drained soil. The rolling prairies and rich creek slopes all over the territory produce these requirements.

Plums are a true native of the Indian Territory. Large quantities of them grow wild along the streams, and many specimens as large as the well known "wild goose" are to

be found. Nearly all the Japanese varieties yield heavy crops annually, and the surplus in some instances has to be shaken off in order to prevent the limbs from breaking down with their load of fruit. Cherries are giving excellent results for the age of the trees.

Regarding the smaller fruits, strawberries pay very well indeed. I have reason to know of one instance where



A FRUIT FARM

a patch yielded enough berries to net the grower \$350 per acre.

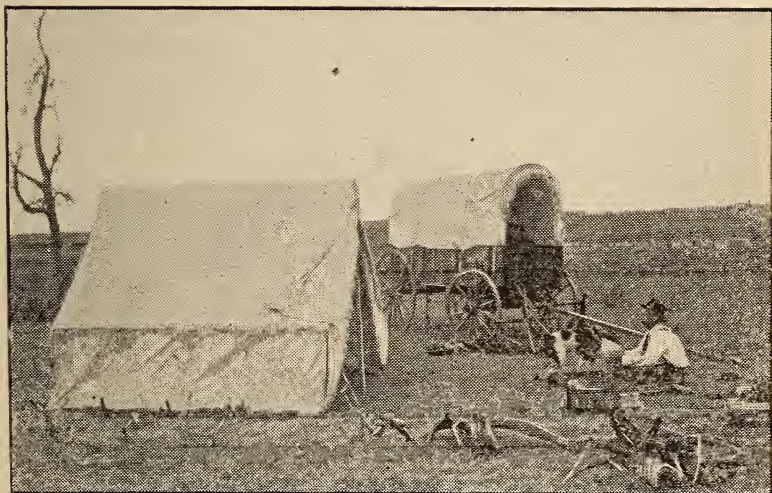
Blackberries of the Early Harvest variety do exceptionally well; are very hardy but too tender for farther north. They never fail to produce fine crops, the surplus of which can be shipped to northern markets before northern berries begin to color.

In fact the Indiana Territory is so situated with respect to climate, altitude and geological formation that a suitable location can be found for the successful growth of almost all the hardy and half-hardy fruits. The fruit

interests of the territory are not carefully guarded or directed by any one, but this will come in time.

The climate and soil are perfect, the production unequaled, the market and transportation facilities unsurpassed.





HOMESEEKERS CAMPING



Chapter XII.

ITS FUTURE.

In speaking of the territory's future, let me give you the history of a few of her towns, and by showing the great strides they have made in the last two years, I will allow you to draw and make your own future for Indian Territory, for I feel assured that with the brief knowledge I have given you in this book, with the actual facts which I shall relate in this chapter, that you can well set or ascribe for yourself the greatness of a great country and one which the Indian Territory can not help but make.

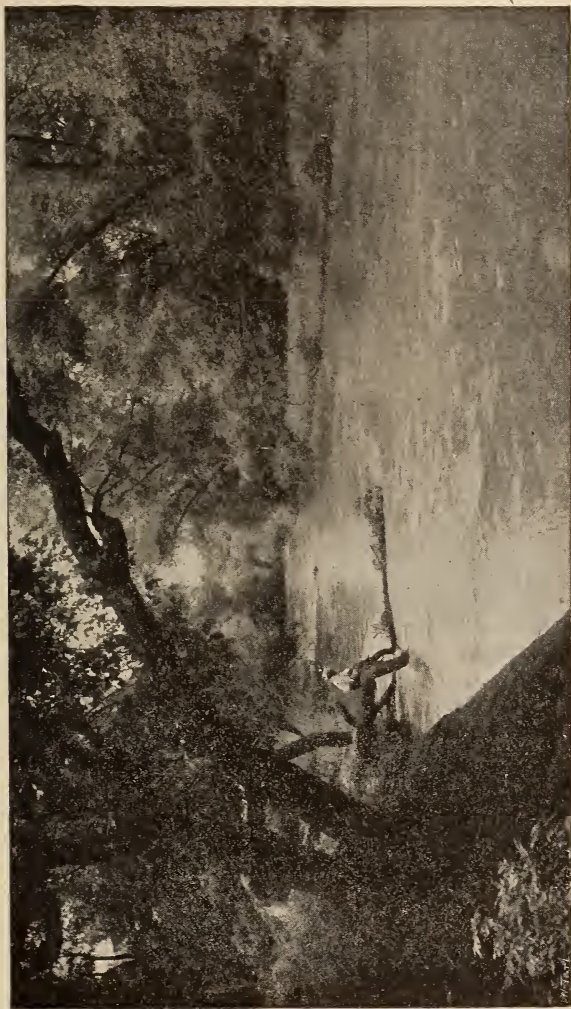
The rapid development of Indian Territory is more noticeable in the cities and towns than in the country districts. This is due to the fact that titles can be given to city property, with exception as noted in the early part of this book. Just as soon as the various tribes can dispose of their farm property there will be a land boom in the territory that will discount the land boom of Kansas in the eighties. People from every part of the United States are getting the Indian Territory fever, and the only thing that is holding the great bulk of them back is the fact that they cannot buy farm property yet to any great extent. As it is they are coming in by the hundreds and locating in the new towns. Nearly every old town in the territory has doubled its population during the past two years, and new towns by the score have sprung up as if by magic.

Editor Lamb of Okmulgee illustrated the rapid progress of the different towns in an address before the Territorial Press Association in Muskogee a short time ago. "Early in the week," said he, "I would pick up a South McAlester, Ardmore or Muskogee paper, or a paper from most any old place, and read some pipe dream about a new railroad, new hotel, new factory, or some other new enterprise. At that time there would be absolutely nothing

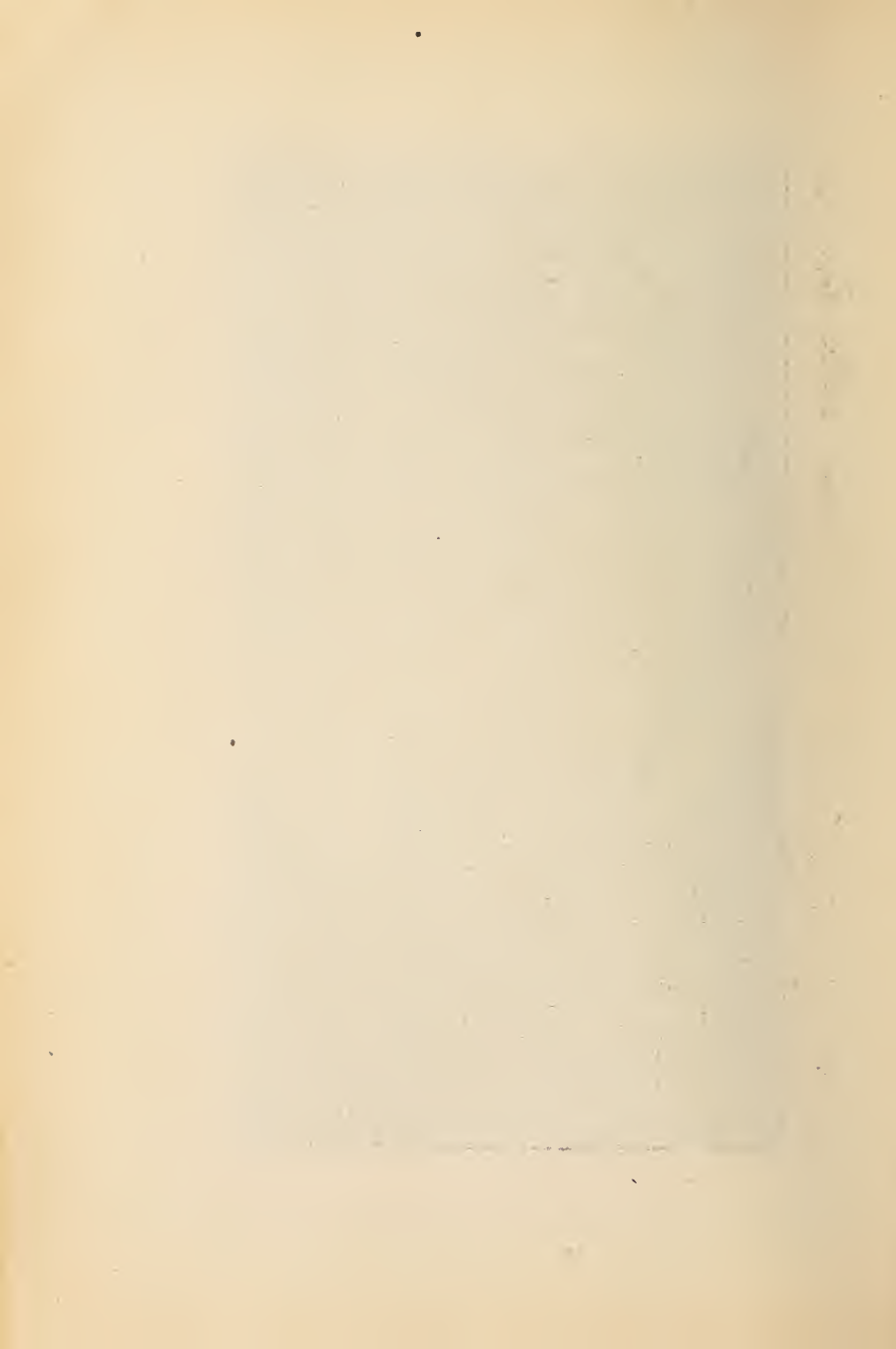
to base the story on. It would be a hot air story pure and simple. I would decide then and there to denounce the story as a fake. By the time my paper went to press the pipe dream had come true. All you have to do in this country is to write up a pipe dream of some vast enterprise to be established, in your town, and it comes before the paper in a rival town has a chance to deny it."

Muskogee has doubled its population and wealth in the past two years. More than 100 residences are now under construction. Several big business houses are also being built. A water works system will be ready for use in a month. The Missouri, Kansas & Texas and the Ozark and Cherokee Central are extending their yards and the Muskogee Southern is building out of Muskogee, with the Missouri Pacific and Santa Fe Railroads seeking entrance. Town lots have advanced 100 per cent. in the past year. Muskogee has more fine residences than any other town in the territory. Three or four companies are at present trying to secure a franchise for a street railway system.

South McAlester is known as the Pittsburg of the Southwest, on account of its coal fields. The coal mines of that vicinity produce 3,000,000 tons of coal annually and the monthly pay roll of the mines aggregates \$200,000.00. South McAlester has gained 70 per cent. in population in two years. Over 40,000 people live within easy reach of the business houses. An electric line is being built to connect the city with all the coal towns in that immediate vicinity. It will be eighteen miles long and will cost \$450,000 when completed. A \$154,600 water works plant is now building and will be completed by September 1st. Contracts have been awarded for the paving of the business streets. Three solid business blocks of stone and pressed brick are under construction. Sixty residences are now being built. Work has commenced on a \$35,000 Catholic hospital, and a new \$100,000 Baptist college has just been located. A \$75,000 gas plant and a \$35,000 ice



VERDIGRIS RIVER



plant are about ready for operation. Architects are now drawing up plans for a five-story hotel with 100 rooms. A \$45,000 Union depot and dining hall are to be completed by September 1st.

Chickasha, "the Queen city of the Washita," now has 8,000 population. It has gained 5,000 in three years. It is a great Rock Island railroad center. That road has located shops there, giving employment to 500 men. Its round house has a capacity of thirty-five engines. Six passenger and freight divisions of the road center there.



MONEY IN RAISING WHEAT

Congress has granted the Rock Island forty acres of ground near the town on which to build shops for the entire southwest system. Chickasha has twenty-two wholesale houses, and twelve manufacturing enterprises employing 125 traveling salesmen. All of the Kansas City packers have distributing depots there. Among its industries is an eight-hundred-barrel flour mill, a mattress factory, a cotton compress which handled eighty thousand bales of cotton last season, and the largest cotton oil mill in the territory. It has just completed six public school buildings. Next month the people of Chickasha will vote on the proposition to issue \$135,000 in bonds to build water works, a sewerage system and pave the streets. The business streets

are to be paved with brick this summer, and the cost is to be taxed to abutting property.

Ada is a town of three years of age. It has 3,500 people; three national banks, a \$250,000 trust company, a \$75,000 oil mill, an ice plant, an electric plant, four cotton gins, a new high school building, aside from day schools, forty-four stone business houses, seven new stone business houses now building and a \$50,000 wholesale house. Since last January 150 residences have been built. Nineteen thousand bales of cotton were handled there last winter. A proposition is now pending to vote bonds for the construction of a water works plant.

Okmulgee is growing like a "weed." It is turning its attention now to the bridging of streams and improving of country roads. A bridge will be built at once across the Deep Fork, opening up a vast agricultural empire to the town. Among the large concerns now located there is a trust company with \$500,000 capital; a big fifty-room hotel made of stone and pressed brick will go up this summer. A forty-thousand-dollar ice plant is now nearing completion, and also a big cotton gin. There is now in the course of erection not less than fifty residences and a dozen business blocks. The Ozark & Cherokee Central is being built southwest from there, and the Shawnee and Oklahoma City connection will be built this summer. The electric plant will be completed within a short time.

Checotah has just voted \$10,000 in bonds to build a new school building. A \$15,000 Odd Fellows Orphans' Home was recently dedicated there. The Checotah Land and Development Company, with \$250,000 capital has just been organized. More than 80,000 acres of good tillable land is in cultivation this year within a radius of fifteen miles of the town. A new \$10,000 cotton gin is now under construction, making the fifth enterprise of that kind in Checotah. A new \$80,000 cotton mill is in operation, and a \$50,000 electric light and ice plant has just been com-

pleted. A franchise has been granted for a water works plant. Local people have organized a fair association and acquired fair grounds. The first fair will be given this fall. More than \$75,000 was spent in new business buildings last year. A score or more of residences are now being built.



FIRST SUPPER IN THE TERRITORY

Sapulpa has just voted \$25,000 in bonds for a water works system and \$15,000 for school buildings. The Frisco has put up a new depot, with an eating house in connection. The railroad has enlarged its round house and terminal facilities, and is making this a big division point. A pressed brick plant with a daily capacity of 60,000 brick has just been completed. An ice plant is under construction. An oil well of forty barrels daily capacity has just been brought into operation.

Miami now has a population of 2,700. It has the best opera house in the territory. It is surrounded by rich agricultural lands and an Illinois company is drilling for

gas with indications of success. The town has a fine artesian well which will supply a \$50,000 water works system now building. A local company has recently been organized to run a new railroad west from Miami through the coal fields and passing through the towns of Welch, Centralia, Nowata and Bartlesville. More business houses were built there during the past year than any similar time in the town's existence.

Tulsa is another one of the promising towns and has nearly doubled its population in the last twelve months. There is more building being done at present than ever before in the history of Tulsa.

Tahlequah, often styled the home of pretty girls and sparkling waters, because of its many pretty school girls and bubbling springs. Tahlequah is the capital of the Cherokee nation, and is noted for its culture and refinement. It is a very desirable place to live and many newcomers are locating permanently in this town.

Caddo is already a town of 1,600 population and has two banks, one of \$50,000 capital, and the other with \$100,000. It is the center of a rich agricultural country and is noted for its pure mineral springs. An electric light plant has been built and a water works plant is in course of construction. The town has a good school system. Many business houses and residences are building. What the people of the territory now want are people to till the soil. They will come in when deeds can be obtained. Farm lands can only be leased now. The story of these few towns is the story of all others in the territory.

There was recently a convention of the leading Indians from the various tribes held at Eufaula for the purpose of adopting a plan and look into the matter of future statehood. This shows there is a strong sentiment among the Indians for certain and specific government. This is a good thing, for it shows that the Indians are ready and

willing to take the initiative part in the framing of the constitution for the commonwealth.

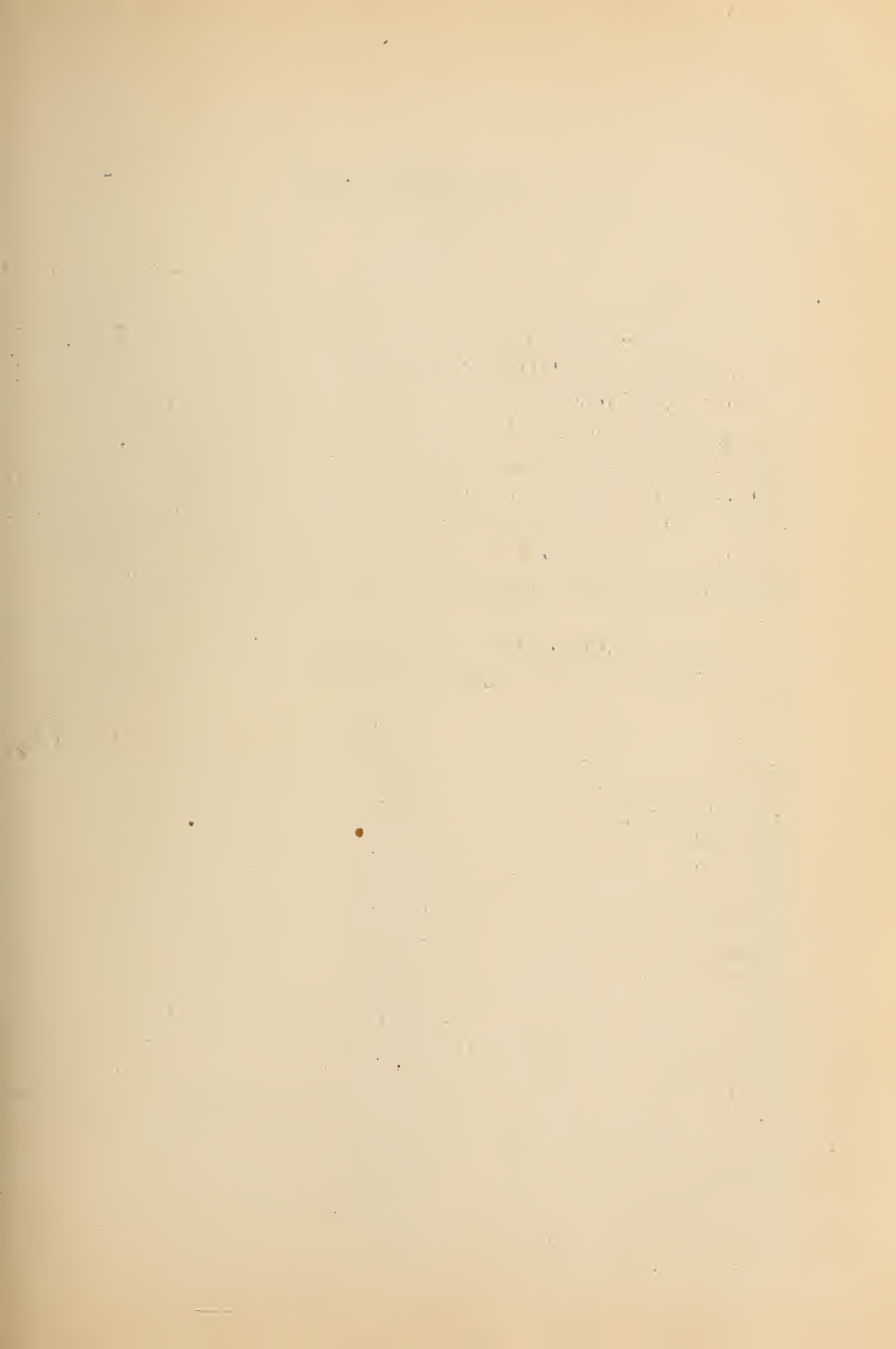
It is true that when Indian Territory comes in as a state the major portion of the soil will be in possession of Indian citizens. But the new state will be a government of the people, for the people—not a government for the land holders. At the present time, according to the most accurate figures that can be had, the Indian population of Indian Territory is 12 per cent. of the total population. If this then is a government of the people and for the people, it will be a white man's government and white men will make the constitution for the new state and enact its future laws. It is true that some of the brighter and more educated Indians will take part in this work, but the white men will control and guide it. The Indians have been demonstrating, since 1833, their inability to establish and maintain a stable and equitable government that will meet the conditions of a progressive race or keep pace with one. The Indian will drop the reigns of government with the dissolution of his tribal customs and laws March 4, 1906.

Now, patient readers, I have given you the facts as they really are and as for what the territory's future will be, I will leave wholly to your judgment.





WHEAT FIELD IN THE TERRITORY



Chapter XIII.

TOWNS.

The territory has no cities, but has a large number of healthy, growing, thrifty towns, which will make the cities of the future, and that future is close at hand. There is no such opportunity anywhere in the United States for honest and legitimate growth and development of both towns and country as there is in the Indian Territory. Other sections may have booms and wild and crazy conditions. None such exist in the territory, and they are not wanted. The territory wants rapid, honest, substantial development and nothing can prevent its coming.

I give the population of some of the principal towns as given by the census report of 1900:

Town.	Nation.	Population.
Ardmore.....	Chickasaw	5,681
Muskogee.....	Creek.....	4,254
South McAlester.....	Choctaw.....	3,479
Chickasha.....	Chickasaw.....	3,209
Wilburton.....	Choctaw.....	3,000
Durant.....	Choctaw.....	2,969
Coalgate.....	Choctaw.....	2,614
Wagoner.....	Creek.....	2,372
Hartshorne.....	Choctaw.....	2,352
Vinita.....	Cherokee.....	2,339
Krebs.....	Choctaw.....	2,300
Purcell.....	Chickasaw.....	2,020
Wynnewood.....	Chickasaw.....	1,907
Miami.....	Ottawa (Quapaw Agency).....	1,527
Roff.....	Chickasaw.....	1,500
Lehigh.....	Choctaw.....	1,500
Tahlequah.....	Cherokee.....	1,482
Paul's Valley.....	Chickasaw.....	1,467
Tulsa.....	Creek.....	1,390
Davis.....	Chickasaw.....	1,346

Town.	Nation.	Population.
Sulpher.....	Chickasaw.....	1,198
Duncan.....	Chickasaw.....	1,164
Atoka.....	Choctaw.....	1,150
Marlow.....	Chickasaw.....	1,016
Antlers.....	Choctaw.....	1,000
Ocomulgee.....	Creek.....	1,000
Ryan.....	Chickasaw.....	1,000
Sallisaw.....	Cherokee.....	965
Caddo.....	Choctaw.....	930
Sapulpa.....	Creek.....	891
Claremore.....	Cherokee.....	855
Marietta.....	Chickasaw.....	842
Checotah.....	Creek.....	805
Alderson.....	Choctaw.....	800
Stilwell.....	Cherokee.....	779
Eufaula.....	Creek.....	757
Holdenville.....	Creek.....	749
Talihina.....	Choctaw.....	748
Okland.....	Chickasaw.....	701
Bartlettsville.....	Cherokee.....	698
McAlister.....	Choctaw.....	646
Briston.....	Creek.....	626
Howe.....	Choctaw.....	626
Ft. Gibson.....	Cherokee.....	617
Sterrett.....	Choctaw.....	575
Afton.....	Cherokee.....	606
Chelsea.....	Cherokee.....	666
Comanche.....	Chickasaw.....	547
Spiso.....	Choctaw.....	543
Canadian.....	Choctaw.....	522
Rush Springs.....	Chickasaw.....	518
Buck.....	Choctaw.....	510
Center.....	Chickasaw.....	500
Fairland.....	Cherokee.....	499
Nowata.....	Cherokee.....	598
Pryor Creek.....	Cherokee.....	595
Muldrow.....	Cherokee.....	465
Dougherty.....	Chickasaw.....	437
Minco.....	Chickasaw.....	400
Thomasville.....	Choctaw.....	400

Chapter XIV.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

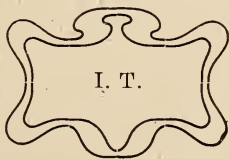
By act of Congress of March 3, 1893, the Commission to the five civilized tribes came into existence. It is at this time composed of Hon. Henry L. Dawes, of Massachusetts, Chairman; Hon. Tams Bixby, of Minnesota, Acting Chairman, and Hon. Thomas B. Needles, of Illinois, and Hon. Clifton R. Breckinridge, of Arkansas, Commissioners, with Allison L. Aylesworth, of Minnesota, as Secretary. The offices of the Commission are located at Muskogee, with local offices at such other points as seem necessary for the expedition of the work under their charge. A large clerical force is employed to compile and record the mass of detail information that must be procured in order to attain the object for which the Commission was created.

We quote the following from the seventh annual report (the last one) of the Commission:

"The Commission to the five civilized tribes was created by act of Congress March 3, 1893, with instructions to enter into negotiations with the several nations of Indians in Indian Territory for the allotment of land in severalty or to procure the cession to the United States of lands belonging to the five tribes at such price and terms as might be agreed upon, it being the expressed determination of Congress to bring about such changes as would enable the ultimate creation of a territory of the United States, with a view to the admission of the same as a State of the Union.

"Had it been possible to secure from the five tribes a cession to the United States of the entire territory at a given price, the tribes to receive its equivalent in value, preferably a stipulated amount of the land thus ceded, equalizing values with cash, the duties of the Commission would have been immeasurably simplified, and the govern-

ment would have been saved incalculable expense. One has but to contemplate the mineral resources, developed and undeveloped, and existing legislation with reference thereto, to realize the advantages which await such a course. When an understanding is had, however, of the great difficulties which have been experienced in inducing the tribes to accept allotment no one would suspect that it existed. In fact it is so little that it does not "count" except for the purpose of citizenship, and by means of acquiring allotment rights. Some of the brightest and shrewdest business and professional men in the territory are "Indians" in this sense but in no other sense."



Chapter XV.

TREATIES AND U. S. LAWS PERTAINING TO THE FIVE CIVILIZED TRIBES.

THE CREEK TREATY.

An Act to ratify and confirm an agreement with the Muskogee or Creek tribe of Indians, and for other purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement negotiated between the Commission to the five civilized tribes and the Muskogee or Creek tribe of Indians at the City of Washington on the eighth day of March, nineteen hundred, as herein amended, is hereby accepted, ratified and confirmed, and the same shall be of full force and effect when ratified by the Creek national council. The principal chief, as soon as practical after the ratifications of this agreement by Congress, shall call an extra session of the Creek national council and lay before it this agreement and the act of Congress ratifying it, and if the agreement be ratified by said council, as provided in the constitution of said nation, he shall transmit to the President of the United States the act of council ratifying the agreement, and the President of the United States shall thereupon issue his proclamation declaring the same duly ratified, and that all the provisions of this agreement have become law according to the terms thereof: Provided, That such ratification by the Creek national council shall be made within ninety days from the approval of this act by the President of the United States.

This agreement by and between the United States, entered into in its behalf by the Commission to the five civilized tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon and Thomas B. Needles, duly appointed and authorized thereunto, and the Muskogee (or Creek) tribe of

Indians, in Indian Territory, entered into in behalf of said tribe by Pleasant Portor, Principal Chief, and George A. Alexander, David M. Hodge, Isparhecher, Albert P. McKennop and Cub McIntosh, delegates, duly appointed and authorized thereto.

Witnesseth that in consideration of the mutual understandings hereto contained it is agreed as follows:

DEFINITIONS.

1. The words "Creek" and "Muskogee," as used in this agreement, shall be deemed synonymous, and the words "Creek Nation" and Muskogee tribe of Indians in Indian Territory. The words "Principal Chief" shall be deemed to refer to the Principal Chief of the Muskogee nation. The words "Citizen" or "Citizens" shall be deemed to refer to a member or members of the Muskogee tribe or nation of Indians. The words "The Dawes Commission" or "Commission" shall be deemed to refer to the United States Commission to the five civilized tribes.

GENERAL ALLOTMENT OF LANDS.

2. All lands belonging to the Creek tribe of Indians in the Indian Territory, except town sites and lands herein reserved for Creek schools and public buildings, shall be appraised to their true value. The appraisement shall be made under the direction of the Dawes Commission by such member or committees, with necessary assistance, as may be deemed necessary to expedite the work, one member of each committee to be appointed by the Principal Chief; and if the members of any committee fail to agree as to the value of any tract of land, the value thereof shall be fixed by said Commission. Each committee shall make report of its work to said Commission, which shall, from time to time, prepare reports of same, in duplicate, and transmit them to the Secretary of the Interior for his approval, and when

approved one copy thereof shall be returned to the office of said Commission for its use in making allotments as herein provided.

3. All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said Commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen one hundred and sixty acres of land—boundaries to conform to the government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at six dollars and fifty cents per acre, shall constitute the standard value of an allotment, and shall be measured for the equalization of values; and any allottee receiving lands of less than such standard value are sufficient to make his allotment equal in value to the standard so fixed.

If any citizen select lands the appraised value of which, for any reason is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe rising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and money equal in value to his allotment. If any citizen selects lands the appraised value of which is in excess of such standard value, he may pay the overplus in money, but if he fail to do so, the same shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment, and if there be not sufficient funds of the tribe to make the allotments of all other citizens of the tribe equal in value to his then the surplus shall be a lien upon the rents and profits of his allotment until paid.

4. Allotment of any minor may be selected by his father, mother or guardian, in the order named, and shall not be sold during his minority. All guardians or curators appointed for minors and incompetents shall be citizens.

Allotments may be selected for prisoners, convicts, aged and infirm persons by their duly appointed agents, and for incompetents by guardians, curators or suitable persons akin to them, but it shall be the duty of said Commission to see that such selections are made for the best interests of such parties.

5. If any citizen have in possession in actual cultivation, lands in excess of what he and his wife and minor children are entitled to take, he shall, within ninety days after the ratification of this agreement, select therefrom allotments for himself and family aforesaid, and if he have lawfully improvements upon such excess he may dispose of the same to any other citizen, who may thereon select lands so as to include such improvements; but, after the expiration of ninety days from the ratification of this agreement, any citizen may take any lands not already selected by another, but if lands so taken be in actual cultivation, having thereon improvements belonging to another citizen, such improvements shall be valued by the appraisement committee, and the amount paid to the owner thereof by the allottee, and the same shall be a lien upon the rents and profits of the land until paid: Provided, That the owner of improvements may remove the same if he desires.

6. All allotments made to Creek citizens by said Commission prior to the ratification of this agreement, as to which there is no contest, and which do not include public property, and are not herein otherwise affected, are confirmed, and the same shall, as to appraisement and all things else be governed by the provisions of this agreement and said Commission shall continue the work of allotment of Creek lands to citizens of the tribe as heretofore, conforming to provisions herein; and all controversies aris-

ing between citizens as to their rights to select certain tracts of land shall be determined by the Commission.

7. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor, and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Each citizen shall select from his allotment forty acres of land as a homestead, which shall be non-taxable and inalienable and free from any incumbrance whatever for twenty-one years, for which he shall have a separate deed, conditioned as above: Provided, That selections of homesteads for minors, prisoners, convicts, incompetents and aged and infirm persons, who cannot select for themselves, may be made in the manner herein provided for the selection of their allotments; and if, for any reason, such selection be not made for any citizen, it shall be the duty of said Commission to make selection for him.

The homestead of each citizen shall remain, after death of the allottee, for the use and support of children born to him after the ratification of this agreement, but if he have no such issue, then he may dispose of his homestead by will, free of limitation herein imposed, and if this be not done, the land shall descend to his heirs according to the laws of descent and distribution of the Creek nation, free from such limitation.

8. The Secretary of the Interior shall, through the United States Indian agent in said territory, immediately after the ratification of this agreement, put each citizen who has made selection of his allotment in unrestricted possession of his land and remove therefrom all persons objectionable to him; and when any citizen shall thereafter make selection of his allotment as herein provided, and re-

ceive certificate therefor, he shall be immediately thereupon so placed in possession of his land.

9. When allotment of one hundred and sixty acres has been made to each citizen, the residue of lands, not herein reserved or otherwise disposed of, and all the funds arising under this agreement shall be used for the purpose of equalizing allotments, and if the same be insufficient therefor, the deficiency shall be supplied out of the other funds of the tribe, so that allotments of all citizens may be made equal in value, as nearly as may be, in manner herein provided.

TOWN SITES.

10. All towns in the Creek nation having a present population of two hundred or more shall, and all others may, be surveyed, laid out, and appraised under the provisions of an act of Congress entitled "An act making appropriations of the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes," approved May thirty-first, nineteen hundred, which said provisions are as follows:

"That Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek and Cherokee nations, as may at any time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site, which, when the survey is approved by the Secretary of the Interior shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the Principal Chief of the na-

tion, one with the Clerk of the Court within the territorial jurisdiction of which the town is located, one with the Commissioner of the five civilized tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

“Hereafter the work of the respective town site Commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled ‘An Act for the protection of the people of the Indian Territory, and for other purposes,’ shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

“The Secretary of the Interior may in his discretion appoint a town site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the Principal Chief of the tribe. Each commission, under the supervision of the Secretary of the Interior shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed acting in conformity with the provision of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

“Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek or Cherokee nation a separate town site commission for any town, in which event as to that town such local commission may

exercise the same authority and perform the same duties which would otherwise devolve upon the commission of that nation. Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-nine, entitled 'An Act for the protection of the people of the Indian Territory.'

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out and plat the site thereof, subject to the supervision and approval as in other instances.

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable despatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisement of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisement and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior, for good cause shown, shall expressly direct otherwise.

"The Secretary of the Interior may, for good cause, remove any member of any town site commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

"It shall not be required that the town site limits established in the course of platting and disposing of town lots and the corporate limits of the town, if incorporated,

shall be identical or co-extensive, but such town site limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: Provided further, That the exterior limits of all town sites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

“Upon the recommendation of the Commission to the five civilized tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time. Such town sites shall be surveyed, laid out and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other town sites: Provided further, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior: Provided, That hereafter the Secretary of the Interior may, whenever the Chief Executive or Principal Chief of said nation fails or refuses to appoint a town site commissioner for any town or to fill any vacancy caused by the neglect or refusal of the town site commissioner appointed by the Chief Executive or Principal Chief of said nation to qualify or act, in his discretion appoint a commissioner to fill the vacancy thus created,

11. Any person in rightful possession of any town lot having improvements thereon, other than temporary buildings, fencing and tillage, shall have the right to purchase such lot by paying one-half of the appraised value thereof, but if he shall fail within sixty days to purchase such lot and make the first payment thereon, as herein provided, the lot and improvements shall be sold at public auction to the highest bidder, under the direction of the appraisement commission, at a price not less than their appraised value, and the purchaser shall pay the purchase price to the owner of the improvements, less the appraised value of the lot.

12. Any person having the right of occupancy of a residence or business lot or both in any town, whether improved or not and owning no other lot or land therein, shall have the right to purchase such lot by paying one-half of the appraised value thereof.

13. Any person holding lands within a town occupied by him as a home, also any person who had at the time of signing this agreement purchased any lot, tract or parcel of land from any person in legal possession at any time, shall have the right to purchase the lot embraced in same by paying one-half of the appraised value thereof, not, however, exceeding four acres.

14. All town lots not having thereon improvements, other than temporary buildings, fencing and tillage, the sale or disposition of which is not herein otherwise specifically provided for, shall be sold within twelve months after their appraisement, under direction of the Secretary of the Interior, after due advisement, at public auction to the highest bidder at not less than their appraised value.

15. When the appraisement of any town lot is made, upon which any person has improvements as aforesaid, said appraisement commission shall notify him of the amount of said appraisement, and he shall within sixty days thereafter, make payment of ten per centum of the amount due for the lot, as herein provided, and four months

thereafter he shall pay fifteen per centum additional, and the remainder of the purchase money in three equal annual installments, without interest.

Any person who may purchase an unimproved lot shall proceed to make payment for same in such time and manner as herein provided for the payment of sums due on improved lots, and if in any case any amount be not paid when due, it shall thereafter bear interest at the rate of ten per centum per annum until paid. The purchaser may in any case at any time make full payment for any town lot.

16. All town lots purchased by citizens in accordance with the provisions of this agreement shall be free from incumbrance by any debt contracted prior to date of his deed therefor, except for improvements thereon.

17. No taxes shall be assessed by any town government against any town lot remaining unsold, but taxes may be assessed against any town lot sold as herein provided, and the same shall constitute a lien upon the interest of the purchaser therein after any payment thereon has been made by him, and if forfeiture of any lot be made all taxes assessed against such lot shall be paid out of any money paid thereon by the purchaser.

18. The Surveyors may select and locate a cemetery within suitable distance from each town, to embrace such number of acres as may be deemed necessary for such purpose, and the appraisement commission shall appraise the same at not less than twenty dollars per acre, and the town may purchase the land by paying the appraised value thereof; and if any citizen have improvements thereon, other than fencing and tillage, they shall be appraised by said commission and paid for by the town. The town authorities shall dispose of the lots in such cemetery at reasonable prices, in suitable sizes for burial purposes, and the proceeds thereof shall be applied to the general improvement of the property.

19. The United States may purchase in any town in the Creek nation suitable land for court houses, jails and other necessary public buildings for its use, by paying the appraised value thereof, the same to be selected under the direction of the department for whose use such buildings are to be erected; and if any person have improvements thereon, other than temporary buildings, fencing and tillage, the same shall be appraised and paid for by the United States.

20. Henry Kendall college, Nazareth institution and Spaulding institution, in Muskogee, may purchase the parcels of land occupied by them, or which may have been laid out for their use and so designated upon the plat of said town, at one-half of their appraised value, upon conditions herein provided; and all other schools and institutions of learning located in incorporated towns in the Creek nation may, in like manner, purchase the lots or parcels of land occupied by them.

21. All town lots or parts of lots, not exceeding fifty by one hundred and fifty feet in size, upon which church houses and parsonages have been erected, and which are occupied as such at the time of appraisement, shall be properly conveyed to the churches to which such improvements belong gratuitously, and if such churches have other adjoining lots inclosed, actually necessary for their use, they may purchase the same by paying one-half the appraised value thereof.

22. The towns of Clarksville, Coweta, Gibson Station and Mounds may be surveyed and laid out in town lots and necessary streets and alleys, and platted as other towns, each to embrace such amount of land as may be deemed necessary not exceeding one hundred and sixty acres for either and in manner not to include or interfere with the allotment of any citizen selected prior to the date of this agreement, which survey may be made in manner provided for other towns; and the appraisement of the town lots of said

towns may be made by any committee appointed for either of the other towns hereinbefore named, and the lots in said towns may be disposed of in like manner and on the same conditions and terms as those of other towns. All of such work may be done under the direction of and subject to the approval of the Secretary of the Interior.

TITLES.

23. Immediately after the ratification of this agreement by Congress and the tribe, the Secretary of the Interior shall furnish the Principal Chief with blank deeds necessary for all conveyances herein provided for, and the Principal Chief shall thereupon proceed to execute in due form and deliver to each citizen who has selected or may hereafter select his allotment, which is not contested, a deed conveying to him all right, title, and interest of the Creek nation and of all other citizens in and to the lands embraced in his allotment certificate and such other lands as may have been selected by him for equalization of his allotment.

The Principal Chief shall, in like manner and with like effort, execute and deliver to proper parties deeds of conveyance in all other cases herein provided for. All lands or town lots to be conveyed in one deed, and all deeds shall be executed free of charge.

All conveyances shall be approved by the Secretary of the Interior, which shall serve as a relinquishment to the grantee of all the right, title and interest of the United States in and to the lands embraced in his deed.

Any allottee accepting such deed shall be deemed to assent to the allotment and conveyance of all the lands of the tribe, as provided herein, and as a relinquishment of all his right, title and interest in and to the same, except in the proceeds of lands reserved from allotment.

The acceptance of deeds of minors and incompetents, by persons authorized to select their allotments for them,

shall be deemed sufficient to bind such minors and incompetents to allotment and conveyance of all other lands of the tribe, as provided herein.

The transfer of the title of the Creek tribe to individual allottees and to other persons, as provided in this agreement, shall not inure to the benefit of any railroad company, nor vest in any railroad company any right, title, or interest in or to any of the lands in the Creek nation.

All deeds when so executed and approved shall be filed in the office of the Dawes Commission and there recorded without expense to the grantee, and such records shall have like effect as other public records.

24. The following lands shall be reserved from the general allotment herein provided for:

- (a) All lands herein set apart for town sites.
- (b) All lands to which, at the date of the ratification of this agreement, any railroad company may, under treaty or act of Congress, have a vested right-of-way, depots, station grounds, water stations, stock yards, or similar uses connected with the maintenance and operation of the railroad.
- (c) Forty acres for the Eufaula High school.
- (d) Forty acres for the Wealaka Boarding school.
- (e) Forty acres for the Newyaka Boarding school.
- (f) Forty acres for the Wetumka Boarding school.
- (g) Forty acres for the Euchee Boarding school.
- (h) Forty acres for the Coweta Boarding school.
- (i) Forty acres for the Creek Orphan home.
- (j) Forty acres for the Tallahassee Colored Boarding school.
- (k) Forty acres for the Pecan Creek Colored Boarding school.
- (l) Forty acres for the Colored Creek Orphan home.
- (m) All lands selected for town cemeteries, as herein provided.

(n) The lands occupied by the university established by the American Baptist Home Mission Society, and located near the town of Muskogee, to the amount of forty acres, which shall be appraised excluding improvements thereon, and said university shall have the right to purchase the same by paying one-half the appraised value thereof, on terms and conditions herein provided. All improvements made by said university on lands in excess of said forty acres shall be appraised and the value thereof paid to it by the person to whom such lands may be allotted.

(o) One acre each for the six established Creek court houses with the improvements thereon.

(p) One acre each for all churches and schools outside of towns now regularly used as such.

All reservations under the provisions of this agreement, except as otherwise provided herein, when not needed for the purposes for which they are at present used; shall be sold at public auction to the highest bidder, to citizens only, under directions of the Secretary of the Interior.

MUNICIPAL CORPORATIONS.

25. Authority is hereby conferred upon municipal corporations in the Creek nation, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon for sanitary purposes, and for the construction of sewers, lighting plants, water works and school houses, subject to all the provisions of law of the United States in force in the organized territories of the United States in reference to municipal indebtedness and issuance of bonds for public purposes; and said provisions of law are hereby put in force in said nation and made applicable to the cities and towns therein the same as if especially enacted in reference thereto.

CLAIMS.

26. All claims of whatsoever nature, including the "Loyal Creek claim" under article four of the treaty of eighteen hundred and sixty-six, and the "Self-immigration claim" under article twelve the individual thereof may have against the United States, or any other claim arising under the treaty of eighteen hundred and sixty-six, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

Of these claims the "Loyal Creek claim" for what they suffered because of their loyalty to the United States government during the civil war, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment.

Any other claim which the Creek nation may have against the United States may be prosecuted in the Court of Claims of the United States, with right of appeal to the Supreme court; and jurisdiction to try and determine such claim is hereby conferred upon said courts.

27. All treaty funds of the tribe shall hereafter be capitalized for the purpose of equalizing allotments and for the other purposes provided in this agreement.

ROLLS OF CITIZENSHIP.

28. No person except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whosoever shall be added to said rolls after the ratification of this agreement.

All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled

under section twenty-one of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled, "An Act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek nation, and be allotted and distributed to them accordingly.

All children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls made by said Commission; and if any such child die after said date, the lands and moneys to which it would be entitled, if living, shall descend to its heirs according to the laws of descent and distribution of the Creek nation, and be allotted and distributed to them accordingly.

The rolls so made by said Commission, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons.

29. Said Commission shall have authority to enroll as Creek citizens certain full-blood Creek Indians not residing in the Cherokee nation, and also certain full-blood Creek Indians now residing in the Creek nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of non-residence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such non-residents shall, in good faith, remove

to the Creek nation before said Commission shall complete the roll of Creek citizens as aforesaid.

MISCELLANEOUS.

30. All deferred payments, under provisions of this agreement, shall constitute a lien in favor of the tribe on the property for which the debt was contracted, and if, at the expiration of two years from the date of payment of the fifteen per centum aforesaid, default in any annual payment has been made, the lien for the payment of all purchase money remaining unpaid may be enforced in the United States court within the jurisdiction of which the town is located in the same manner as vendor's liens are enforced; such suit being brought in the name of the Principal Chief, for the benefit of the tribe.

31. All moneys to be paid to the tribe under any of the provisions of this agreement shall be paid under direction of the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe, and an itemized report thereof shall be made monthly to the Secretary of the Interior and to the Principal Chief.

32. All funds of the tribe, and all moneys accruing under the provisions of this agreement, when needed for the purposes of equalizing allotments or for any other purposes herein prescribed, shall be paid out under the direction of the Secretary of the Interior; and when required for per capita payments, if any, shall be paid out directly to each individual by a bonded officer of the United States, under direction of the Secretary of the Interior, without unnecessary delay.

33. No funds belonging to said tribe shall hereafter be used or paid out for any purpose by any officer of the United States without consent of the tribe, expressly given through its national council, except as herein provided.

34. The United States shall pay all expenses incident to the survey, platting and disposition of town lots, and of

allotment of lands made under the provisions of this agreement, except where the town authorities have been or may be duly authorized to survey and plat their respective towns at the expense of such town.

35. Parents shall be the natural guardians of their children, and shall act for them as such unless a guardian shall have been appointed by a court having jurisdiction; and parents so acting shall not be required to give bond as guardians unless by order of such court, but they and all other persons having charge of lands, moneys and other property belonging to minors and incompetents, shall be required to make proper accounting therefor in the court having jurisdiction thereof in manner deemed necessary for the preservation of such estates.

36. All Seminole citizens who have heretofore settled and made homes upon lands belonging to the Creeks may there take, for themselves and their families, such allotments as they would be entitled to take of Seminole lands, and all Creek citizens who have heretofore settled and made homes upon lands belonging to Seminoles may there take, for themselves and their families, allotments of one hundred and sixty acres each, and if the citizens of one tribe thus receive a greater number of acres than the citizens of the other, the excess shall be paid for by such tribe, at a price to be agreed upon by the Principal Chiefs of the two tribes, and if they fail to agree, the price shall be fixed by the Indian agent, but the citizenship of persons so taking allotments shall in no wise be affected thereby.

Titles shall be conveyed to Seminoles selecting allotments of Creek lands in manner herein provided for conveyance of Creek allotments, and titles shall be conveyed to Creeks selecting allotments of Seminole lands in manner provided in the Seminole agreement, dated December sixteenth, eighteen hundred and ninety-seven, for conveyance of Seminole allotments: Provided, That deeds shall be ex-

ecuted to allottees immediately after selection of allotment is made.

This provision shall not take effect until after it shall have been separately and specially approved by the Creek national council and by the Seminole general council; and if not approved by either, it shall fail altogether and be eliminated from this agreement without impairing any other of its provisions.

37. Creek citizens may rent their allotments, when selected, for a term not exceeding one year, and after receiving title thereto without restriction, if adjoining allottees are not injured thereby, and cattle grazed thereon shall not be liable to any tribal tax; but when cattle are introduced into the Creek nation and grazed on lands not selected by citizens, the Secretary of the Interior is authorized to collect from the owners thereof a reasonable grazing tax for the benefit of the tribe; and section twenty-one hundred and seventeen, revised statutes of the United States, shall not hereafter apply to Creek lands.

38. After any citizen has selected his allotment he may dispose of any timber thereon, but if he disposes of such timber, or any part of same he shall not thereafter select other lands in lieu thereof, and his allotment shall be appraised as if in condition when selected.

No timber shall be taken from lands not so selected, and disposed of, without payment of reasonable royalty thereon, under contract to be prescribed by the Secretary of the Interior.

39. No non-citizen renting lands from a citizen for agricultural purposes, as provided by law, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

40. The Creek school fund shall be used, under the direction of the Secretary of the Interior for the education of Creek citizens, and the Creek schools shall be conducted under rules and regulations prescribed by him, un-

der direct supervision of the Creek school superintendent and a supervisor appointed by the Secretary, and under Creek laws, subject to such modifications as the Secretary of the Interior may deem necessary to make the schools most effective and to produce the best possible results.

All teachers shall be examined by or under direction of said superintendent or supervisor, and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed, but where all qualifications are equal preference shall be given to citizens in such employment.

All moneys for running the schools shall be appropriated by the Creek national council, not exceeding the amount of the Creek school fund, seventy-six thousand four hundred and sixty-eight dollars and forty cents, but if it fail or refuse to make the necessary appropriations the Secretary of the Interior may direct the use of a sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the Principal Chief.

All accounts of expenditures in running the schools shall be examined and approved by said superintendent and supervisor, and also by the general superintendent of Indian schools, in Indian Territory, before payment thereof is made.

If the superintendent and supervisor fail to agree upon any matter under their direction or control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior; but his decision shall govern until reversed by the Secretary.

41. The provisions of section thirteen of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall not apply to or in any manner affect the lands or other property of said tribe, or be in force in the Creek na-

tion, and no Act of Congress or treaty provision inconsistent with this agreement shall be in force in said nation, except section fourteen of said last-mentioned Act, which shall continue in force as if this agreement had not been made.

42. No act, ordinance, or resolution of the national council of the Creek nation in any manner affecting the lands of the tribe, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Creek government as herein limited, shall be of any validity until approved by the President of the United States. When any such act, ordinance, or resolution shall be passed by said council and approved by the Principal Chief, a true and correct copy thereof, duly certified, shall be immediately transmitted to the President who shall, within thirty days after received by him, approve or disapprove the same. If disapproved, it shall be so indorsed thereon, and it shall be published in at least two newspapers having a bona fide circulation in the Creek nation.

43. The United States agrees to maintain strict laws in said nation against the introduction, sale, barter or giving away of liquors or intoxicants of any kind whatsoever.

44. This agreement shall in no wise affect the provisions of existing treaties between the United States and said tribe except so far as inconsistent therewith.

45. All things necessary to carrying into effect the provisions of this agreement, not otherwise herein specifically provided for, shall be done under authority and direction of the Secretary of the Interior.

46. The tribal government of the Creek nation shall not continue longer than March fourth, nineteen hundred and six, subject to such further legislation as Congress may deem proper.

47. Nothing contained in this agreement shall be construed to revive or re-establish the Creek courts which have been abolished by former Acts of Congress.

Approved March 1, 1901.

THE SEMINOLE AGREEMENT.

An act to ratify the agreement between the Dawes Commission and the Seminole nation of Indians.

Wherein an agreement was made by Henry L. Dawes, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Needles, the Commission of the United States to the five civilized tribes, and Allison L. Aylesworth, secretary; John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West, Thomas Factor, Seminole Commission; A. J. Brown, secretary, on the part of the Seminole nation of Indians on December 16, 1897, as follows:

Agreement between the United States Commissioners to negotiate with the five civilized tribes, and the Commissioners on the part of the Seminole nation.

This agreement by and between the government of the United States of the first part, entered into in its behalf by the Commission to the five civilized tribes, Henry L. Dawes, Tams Bixby, Frank C. Armstrong, Archibald S. McKennon and Thomas B. Needles, duly appointed and authorized thereunto, and the government of the Seminole nation in Indian Territory, of the second part, entered into on behalf of said government by its commission, duly appointed and authorized thereunto, viz., John F. Brown, Okchan Harjo, William Cully, K. N. Kinkehee, Thomas West and Thomas Factor,

Witnesseth, That in consideration of the mutual undertakings herein contained, it is agreed as follows:

All lands belonging to the Seminole tribe of Indians shall be divided into three classes, designated as first, second and third class; the first class to be appraised at five dollars, the second class at two dollars and fifty cents, and

the third class at one dollar and twenty-five cents per acre, and the same shall be divided among the members of the tribe so that each shall have an equal share thereof in value, so far as may be, the location and fertility of the soil considered; giving to each the right to select his allotment so as to include any improvements thereon, owned by him at the time; and each allottee shall have the sole right of occupancy of the land so allotted to him, during the existence of the present tribal government, and until the members of the said tribe shall have become citizens of the United States. Such allotments shall be made under the direction and supervision of the Commission to the five civilized tribes in connection with a representative appointed by the tribal government; and the chairman of the said Commission shall execute and deliver to each allottee a certificate describing therein the land allotted to him.

All contracts for sale, disposition or encumbrance of any part of any allotment made prior to date of patent shall be void.

Any allottee may lease his allotment for any period not exceeding six years, the contract therefor to be executed in triplicate upon printed blanks provided by the tribal government, and before the same shall become effective it shall be approved by the Principal Chief and a copy filed in the office of the Clerk of the United States Court at Wewoka.

No lease of any coal, mineral, coal oil, or natural gas within said nation shall be valid unless made with the tribal government, by and with the consent of the allottee and approved by the Secretary of the Interior.

Should there be discovered on any allotment any coal, mineral, coal oil, or natural gas, and the same should be operated so as to produce royalty, one-half of such royalty shall be paid to such allottee and the remaining half into the tribal treasury until extinguishment of tribal government, and the latter shall be used for the purpose of equal-

izing the value of allotments; and if the same be insufficient therefor, any other funds belonging to the tribe, upon extinguishment of tribal government, may be used for such purpose, so that such allotment may be made equal in value as aforesaid.

The town site of Wewoka shall be controlled and disposed of according to the provisions of an act of the general council of the Seminole nation, approved April 23, 1897, relative thereto; and on extinguishment of the tribal government, deeds of conveyance shall issue to owners of lots as herein provided for allottees; and all lots remaining unsold at that time may be sold in such manner as may be prescribed by the Secretary of the Interior.

Five hundred thousand dollars (\$500,000) of the funds belonging to the Seminoles, now held by the United States, shall be set apart as permanent school fund for the education of the children of the members of the said tribe, and shall be held by the United States at five per cent. interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka Academies and the district schools of the Seminole people; and there shall be selected and excepted from allotment 320 acres of land for each of said academies and eighty acres each for eight district schools in the Seminole country.

There shall also be expected from allotment one-half acre for the use and occupancy of each of twenty-four churches, including those already existing and such others as may hereafter be established in the Seminole country, by and with consent of the general council of the nation; but should any of same, at any time, cease to be used for church purposes, such part shall at once revert to the Seminole people and be added to the lands set apart for the use of said district schools.

One acre in each township shall be excepted from allotment and the same may be purchased by the United States upon which to establish schools for the education of children of non-citizens when deemed expedient.

When the tribal government shall cease to exist the Principal Chief last elected by said tribe shall execute, under his hand and the seal of the nation, and deliver to each allottee a deed conveying to him all the right, title, and interest of the said nation and the members thereof in and to the lands so allotted to him, and the Secretary of the Interior shall approve such deed, and the same shall thereupon operate as relinquishment of the right, title and interest of the United States in and to the land embraced in said conveyance, and as a guarantee by the United States of the title to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to and interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of forty acres, which shall, by the terms of the deed, be made inalienable and non-taxable as a homestead in perpetuity.

All moneys belonging to the Seminoles remaining after equalizing the value of allotments as herein provided and reserving said sum of \$500,000 for school funds shall be paid per capita to the members of said tribe in three equal installments, the first to be made as soon as convenient after allotment and extinguishment of tribal government, and the others at one and two years, respectively. Such payments shall be made by a person appointed by the Secretary of the Interior, who shall prescribe the amount of and approve the bond to be given by such person; and strict account shall be given to the Secretary of the Interior for such disbursements.

The loyal Seminole claim shall be submitted to the United States Senate, which shall make final determina-

tion of same, and, if sustained, shall provide for payment thereof within two years from date herein.

There shall hereafter be held at the town of Wewoka, the present capital of the Seminole nation, regular terms of the United States Court as at other points in the judicial district of which the Seminole nation is a part.

The United States agrees to maintain strict laws in the Seminole country against the introduction, sale, barter, or giving away of intoxicants of any kind or quality.

This agreement shall in no wise affect the provisions of existing treaties between the Seminole nation and the United States, except in so far as it is consistent therewith.

The United States courts now existing, or that may hereafter be created, in the Indian Territory, shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate owned by the Seminoles, and to try all persons charged with homicide, embezzlement, bribery and embracery hereafter committed in the Seminole country, without reference to race or citizenship of the persons charged with such crime, if convicted, shall be punished as if he were a citizen or officer of the United States, and the courts of said nation shall retain all the jurisdiction which they now have, except as herein transferred to the courts of the United States.

When this agreement is ratified by the Seminole nation and the United States the same shall serve to repeal all the provisions of the Act of Congress approved June 7, 1897, in any manner affecting the proceedings of the general council of the Seminole nation.

It being known that the Seminole Reservation is insufficient for allotments for the use of the Seminole people, upon which they, as citizens, holding in severalty, may reasonably and adequately maintain their families, the United States will make effort to purchase from the Creek nation, at \$1.25 per acre, 200,000 acres of land, immediately ad-

joining the eastern boundary of the Seminole Reservation and lying between the North Fork and the South Fork of the Canadian river, in trust for and to be conveyed by proper patent by the United States to the Seminole Indians, upon said sum of \$1.25 per acre being reimbursed to the United States by said Seminole Indians; the same to be allotted as herein provided for lands now owned by the Seminoles.

This agreement shall be binding on the United States when ratified by Congress and on the Seminole people when ratified by the general council of the Seminole nation.

Approved July 1, 1898.

CURTIS ACT, EMBODYING THE ATOKA AGREEMENT.

An act for the protection of the people of the Indian Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all criminal prosecutions in the Indian Territory against officials for embezzlement, bribery, and embracery the word "officer," when the same appears in the criminal laws heretofore extended over and put in force in said territory, shall include all officers of the several tribes or nations of Indians in said territory.

Sec. 2. That when in the progress of any civil suit, either in law or equity, pending in the United States Court in any district in said territory, it shall appear to the court that the property of any tribe is in any way affected by the issues being heard, said court is hereby authorized and required to make said tribe a party to said suit by service upon the chief or governor of the tribe, and the suit shall thereafter be conducted and determined as if said tribe had been an original party to said action.

Sec. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who

may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the Commission to the five tribes, or the United States Court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: Provided always, That any person being a non-citizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January 1, 1898, may, as to lands not exceeding in amount 160 acres, in defense of any action for the possession of said lands, show that he is and has been in peaceable possession of such lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such person should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be

rendered against the defendant for such sum, for which execution may issue.

Sec. 4. That all persons who have heretofore made improvements on lands belonging to any one of the said tribes of Indians, claiming rights of citizenship, whose claims have been decided adversely under the Act of Congress, approved July 10, 1896, shall have possession thereof until and including December 31, 1898; and may, prior to that time, sell or dispose of the same to any member of the tribe owning the land who desires to take the same in his allotment. Provided, That this section shall not apply to improvements which have been appraised and paid for, or payment tendered by the Cherokee nation under the agreement with the United States approved by Congress March 3, 1893.

Sec. 5. That before any action by any tribe or person shall be commenced under section three of this act it shall be the duty of the party bringing the same to notify the adverse party to leave the premises for the possession of which the action is about to be brought, which notice shall be served at least thirty days before commencing the action by leaving a written copy with the defendant, or if he cannot be found, by leaving the same at his last known place of residence or business with any person occupying the premises over the age of twelve years, or, if his residence or business address cannot be ascertained, by leaving the same with any person over the age of twelve years upon the premises sought to be recovered and described in said notice, and if there be no person with whom said notice can be left, then by posting same on the premises.

Sec. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as practicable, describe the premises so detained, and shall set forth a detention with-

out the consent of the person bringing said suit or the tribe, by one whose membership is denied by it: Provided, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit.

Sec. 7. That the court in granting a continuance of any case, particularly under section three, may, in its discretion, require the party applying therefor to give an undertaking to the adverse party, with good and sufficient securities, to be approved by the judge of the court, conditioned for the payment of all damages and costs and defraying the rent which may accrue if judgment be rendered against him.

Sec. 8. That when a judgment for restitution shall be entered by the court the clerk shall, at the request of the plaintiff or his attorney, issue a writ of execution thereon, which shall command the proper officer of the court to cause the defendant or defendants to be forthwith removed and ejected from the premises and the plaintiff given complete and undisturbed possession of the same. The writ shall also command the said officer to levy upon the property of the defendant or defendants subject to execution, and also collect therefrom the costs of the action and all accruing costs in the service of the writ. Said writ shall be executed within thirty days.

Sec. 9. That the jurisdiction of the court and municipal authority of the city of Fort Smith for police purposes in the State of Arkansas is hereby extended over all the strip of land in the Indian Territory lying and being situated between the corporate limits of the said city of Fort Smith and the Arkansas and Poteau rivers, and extending up the said Poteau river to the mouth of Mill creek; and all the laws and ordinances for the preservation of the peace and health of said city, as far as the same are applicable, are hereby put in force therein: Provided, That

no charge or tax shall ever be made or levied by said city against said land or the tribe or nation to whom it belongs.

Sec. 10. That all actions for restitution of possession of real property under this act must be commenced by the service of a summons within two years after the passage of this act, where the wrongful detention or possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful detention or possession committed since the passage of this act, must be commenced within two years after the cause of action accrued. And nothing in this shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the act of Congress passed May 2, 1890 (Twenty-sixth United States Statutes, page ninety-five).

Sec. 11. That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, and commission heretofore appointed under acts of Congress, and known as the "Dawes Commission," shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same; but all oil, coal, asphalt and mineral deposits in the lands of any tribe are reserved to such tribe, and no allotment of such lands shall carry the title to such oil, coal, asphalt or mineral deposits; and all town sites shall also be reserved to the several tribes, and shall be set apart by the commission heretofore mentioned as incapable of allotment. There shall also be reserved from allotment a sufficient amount of lands now occupied by churches, schools, parsonages, charitable institutions and other public buildings, for their present actual and necessary use, and no more, not to ex-

ceed five acres for each school and one acre for each church and each parsonage, and for such new schools as may be needed; also sufficient land for burial grounds where necessary. When such allotment of the lands of any tribe has been by them completed, said Commission shall make full reports thereof to the Secretary of the Interior for his approval: Provided, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such act of Congress: Provided further, That whenever it shall appear that any member of a tribe is in possession of lands, his allotment may be made out of the lands in his possession, including his home if the owner so desires: Provided further, That if a person to whom an allotment shall have been made shall be declared, upon appeal as herein provided for, by any of the courts of the United States in or for the aforesaid territory, to have been illegally accorded rights of citizenship, and for that or for any other reason declared to be not entitled to any allotment, he shall be ousted and ejected from said lands; that all persons known as intruders who have been paid for their improvements under existing laws and have not surrendered possession thereof who may be found under the provisions of this act to be entitled to citizenship, shall, within ninety days thereafter, refund the amount so paid them, with six per centum interest to the tribe entitled thereto; and upon their failure so to do said amount shall become a lien upon all improvements owned by such person in such territory, and may be enforced by such tribe; and unless such person makes such restitution no allotments shall be made to him: Provided further, That all lands allotted shall be nontransferable until after full title is acquired and shall be liable for no obligations contracted prior thereto by the allottee, and shall be non-taxable while so held: Provided further, That all towns

and cities heretofore incorporated under the provisions of this act are hereby authorized to secure, by condemnation or otherwise, all the lands actually necessary for public improvements, regardless of tribal lines; and when the same cannot be secured otherwise than by condemnation, then the same may be acquired as provided in sections 907 and 912, inclusive, of Mansfield's Digest of the Statutes of Arkansas.

Sec. 12. That when report of allotments of lands of any tribe shall be made to the Secretary of the Interior, as hereinbefore provided, he shall make record thereof, and when he shall confirm such allotments the allottees shall remain in peaceable and undisturbed possession thereof, subject to the provisions of this act.

Sec. 13. That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations in regard to the leasing of oil, coal, asphalt and other minerals in said territory, and all such leases shall be made by the Secretary of the Interior; and all such leases for any such minerals otherwise made shall be absolutely void. No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than 640 acres of land, which shall conform as nearly as possible to the surveys. Lessees shall pay on each oil, coal, asphalt, or other mineral claim, at the rate of \$100 per annum, in advance, for the first and second years; \$200 per annum, in advance, for the third and fourth years, and \$500, in advance, for each succeeding year thereafter, as advance royalty on the mine or claim on which they are made. All such payments shall be credit on royalty when each mine is developed and operated, and its production is in excess of such guaranteed annual advanced payments; and all lessees must pay said annual advanced payments on each claim, whether developed or undeveloped; and should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same

becomes due and payable on any lease, the lease on which default is made becomes null and void, and the royalties paid in advance shall then become and be the money and property of the tribe. Where any oil, coal, asphalt, or other mineral is hereafter opened on land allotted, sold or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land, by lessee or party operating the same, before operations begin: Provided, That nothing herein contained shall impair the rights, asphalt, or mineral, which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases: And provided further, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits by lessees or their assigns which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, coal, as-

phalt and other mineral deposits preference shall be given to the parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior.

Sec. 14. That the inhabitant of any city or town in said territory having two hundred or more residents therein may proceed, by petition to the United States Court in the district in which such city or town is located, to have the same incorporated as provided in chapter twenty-nine of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated thereunder; and the clerk of said court shall record all papers and perform all the acts required of the Recorder of the county, or the Clerk of the County Court, or the Secretary of State, necessary for the incorporation of any city or town, as provided in Mansfield's Digest and such city or town government, when authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas. All male inhabitants of such cities and towns over the age of twenty-one years, who are citizens of the United States or of either of said tribes, who have resided therein more than six months next before any election held under this act shall be qualified voters at such election. That mayors of such cities and towns, in addition to their other powers, shall have the same jurisdiction in all civil and criminal cases arising within the corporate limits of such cities and towns, as, and co-extensive with, United States Commissioners in the Indian Territory, and may charge, collect and retain the same fees as such Commissioners now collect and account for to the United States; and the marshal or other executive officer of such city or town may execute all processes issued in the exercise of the jurisdiction hereby conferred, and charge and collect the same fees for similar services, as are allowed to constables under the laws now in force in said territory.

All elections shall be conducted under the provisions of chapter fifty-six of said digest, entitled "Elections," so far as the same may be applicable; and all inhabitants of such cities and towns, without regard to race, shall be subject to all laws and ordinances of such city and town governments, and shall have equal rights, privileges, and protection therein. Such city or town governments shall in no case have any authority to impose upon or levy any tax against any lands in said cities or towns until after title is secured from the tribe; but all other property, together with all occupations and privileges, shall be subject to taxation. And the councils of such cities and towns, for the support of same and for school and other public purposes, may provide by ordinance for the assessment, levy and collection annually of a tax upon such property, not to exceed in the aggregate two per centum of the assessed value thereof, in manner provided in chapter 129 of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

Such councils may also establish and maintain free schools in such cities and towns, under the provisions of sections 6258 to 6276, inclusive, of said digest, and may exercise all the powers conferred upon special school districts in cities and towns in the State of Arkansas by the laws of said state when the same are not in conflict with the provisions of this act.

For the purpose of this section all the laws of said State of Arkansas therein referred to, so far as applicable are hereby put in force in said territory; and the United States Court therein shall have jurisdiction to enforce the same, and to punish any violation thereof, and the city or town councils shall pass such ordinances as may be necessary for the purpose of making the laws extended over them applicable to them and for carrying the same into effect: Provided, That nothing in this act, or in the laws of the State of Arkansas, shall authorize or permit the sale

of any intoxicating liquor in said territory, or the introduction thereof into said territory; and it shall be the duty of the district attorneys in said territory and the officers of such municipalities to prosecute all violators of the laws of the United States relating to the introduction of intoxicating liquors into said territory, or to their sale, or exposure for sale, therein: Provided further, That owners and holders of leases or improvements in any city or town shall be privileged to transfer the same.

Sec. 15. That there shall be a Commission in each town for each one of the Chickasaw, Choctaw, Creek and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property, other than his home; one person to be appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior.

Said Commissions shall cause to be surveyed and laid out town sites where towns with a present population of two hundred or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and shall prepare correct plats thereof, and file one with the Secretary of the Interior, one with the Clerk of the United States Court, one with the authorities of the tribe, and one with the town authorities. And all town lots shall be appraised by said Commission at their true value, excluding improvements; and separate appraisement shall be effective until approved by the Secretary of the Interior, and in case of disagreement by the members of such Commission as to the value of any lot, said secretary may fix the value thereof.

The owner of the improvements upon any town lot, other than fencing, tillage or temporary buildings, may deposit in the United States Treasury, Saint Louis, Mo., one-half of such appraised value; ten per centum within two months, and fifteen per centum more within six months after notice of appraisalment, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot.

If the owner of such improvements on any lot fails to make deposit of the purchase money as aforesaid, then such lot may be sold in the manner herein provided for the sale of unimproved lots; and when the purchaser thereof has complied with the requirements herein for the purchase of improved lots he may, by petition, apply to the United States Court within whose jurisdiction the town is located for condemnation and appraisalment of such improvements, and petitioner shall, after judgment, deposit the value so fixed with the Clerk of the Court; and thereupon the defendant shall be required to accept same in full payment for his improvements or remove same from the lot within such time as may be fixed by the Court.

All town lots not improved as aforesaid shall belong to the tribe, and shall be in like manner appraised, and, after approval by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said Commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior; and purchasers may in like manner make deposits of the purchase money with like effect, as in case of improved lots.

The inhabitants of any town may, within one year after the completion of the survey thereof, make such deposit of ten dollars per acre for parks, cemeteries and other public grounds laid out by said Commission with like effect as

for improved lots; and such parks and public grounds shall not be used for any purpose until such deposits are made.

The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots; and thereafter the purchase money shall become the property of the tribe and all such moneys shall, when titles to all the lots in the towns belonging to any tribe have been thus perfected, be paid per capita to the members of the tribe: Provided, however, That in those town sites designated and laid out under the provisions of this act where coal leases are now being operated and coal is being mined there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes: And provided further, That when the lessee shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this act.

Sec. 16. That it shall be unlawful for any person, after the passage of this act, except as hereinafter provided, to claim, demand or receive, for his own use or for the use of any one else, any royalty on oil, coal, asphalt or other mineral, or any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said territory, or for any one to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the treasury of the United States to the credit of the tribe to which they

belong: Provided, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use the same or receive the rents thereon until allotment has been made to him: Provided further, That nothing herein contained shall impair the rights of any member of a tribe to dispose of any timber contained on his, her or their allotment.

Sec. 17. That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner enclosed, at the expiration of nine months after the passage of this act, shall be deemed guilty of a misdemeanor.

Sec. 18. That any person convicted of violating any other provisions of sections sixteen and seventeen of this act shall be deemed guilty of misdemeanor and punished by a fine not less than one hundred dollars, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every two dollars of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorneys in said territory are required to see that the provisions of said sections are strictly enforced and they shall at once proceed to dispossess all persons of such excessive holdings of land and to prosecute them for so unlawfully holding the same.

That no payment of any moneys on any account whatsoever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him; and per capita payments shall be made direct to each individual in lawful money of the United States, and the same shall not be liable to the payment of any previously contracted obligation.

Sec. 20. That the Commission hereinbefore named shall have authority to employ, with approval of the Secretary of the Interior, all assistance necessary for the prompt and efficient performance of all duties herein imposed, including competent surveyors to make allotments, and to do any other needed work, and the Secretary of the Interior may detail competent clerks to aid them in the performance of their duties.

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the five civilized tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlements in the Cherokee nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were

made with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the court of claims rendered the third day of February, 1896.

Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminate from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes.

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation concluded September 27, 1830, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make reports to the Secretary of the Interior.

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14, 1867, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek nation.

It shall make a correct roll of all Choctaw freedmen entitled to citizenship under the treaties and laws of the Choctaw nation, and all their descendants born to them since the date of the treaty.

It shall make a correct roll of all the Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw

and Chickasaw tribes and their descendants born to them since the date of said treaty and forty acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held and used by them until their rights under said treaty shall be determined in such manner as shall be hereafter provided by Congress.

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotments of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right, but if he fail or refuse to make selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distribution, and not elsewhere.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

Said Commission shall make such rolls descriptive of the persons thereon, so that they may thereby be identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States Court in Indian Territory shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said Commission, and on their refusal or failure to do so to punish them for contempt; also to require all citizens of said tribes, and persons who should be so enrolled, to appear before said Commission for enrollment, at such times

and places as may be fixed by said Commission, and to enforce obedience of all others concerned, so far as the same may be necessary, to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The members of said Commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said Commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said Commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

Sec. 22. That where members of one tribe, under intercourse laws, usages, or customs, have made homes within the limits and on the lands of another tribe they may retain and take allotment, embracing same under such agreement as may be made between such tribes respecting such settlers; but if no such agreement as may be made the improvements so made shall be appraised, and the value thereof, including all damages incurred by such settler incident to enforced removal, shall be paid to him immediately upon removal, out of any funds belonging to the tribe, or such settler, if he so desire, may make private sale of his improvements to any citizen of the tribe owning the lands: Provided, That he shall not be paid for improvements made on lands in excess of that to which he, his wife and minor children are entitled to under this act.

Sec. 23. That all leases of agricultural or grazing land belonging to any tribe made after the first day of January, 1898, by the tribe or any member thereof shall be absolutely void, and all such date shall terminate on the first day of April, 1899, and all such agricultural leases shall terminate on January 1, 1900; but this shall not prevent individuals from leasing their allotments when made to them as provided in this act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made.

Sec. 24. That all moneys paid into the United States Treasury at Saint Louis, Mo., under provision of this act shall be placed to the credit of the tribe to which they belong; and the Assistant United States Treasurer shall give triplicate receipts therefor to the depositor.

Sec. 25. That before any allotment shall be made of lands in the Cherokee nation, there shall be segregated therefrom or by the Commission heretofore mentioned, to separate allotments or otherwise, the 157,600 acres purchased by the Delaware tribe of Indians from the Cherokee nation under agreement of April 8, 1867, subject to the judicial determination of the rights of said descendants and the Cherokee nation under said agreement. That the Delaware Indians residing in the Cherokee nation are hereby authorized and empowered to bring suit in the court of claims of the United States, within sixty days after the passage of this act, against the Cherokee nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee nation dated April 8, 1867; or the Cherokee nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the supreme court of the United States.

Sec. 26. That on any after the passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory.

Sec. 27. That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein.

Sec. 28. That on the 1st day of July, 1898, all tribal court in the Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States Court in said territory by filing with the clerk of the court the original papers in the suit: Provided, That this section shall not be in force as to the Chickasaw, Choctaw and Creek tribes or nations until the 1st day of October, 1898.

THE ATOKA AGREEMENT.

Sec. 29. That the agreement made by the Commission to the five civilized tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the 23d day of April, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members

of each tribe qualified to vote under his tribal laws shall have the right to vote at election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: Provided, That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States Court shall be permitted to vote at said election: Provided further, That the votes cast in both said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries to a board of commissioners consisting of the Principal Chief and National Secretary of the Choctaw nation, the Governor and National Secretary of the Chickasaw nation, and a member of the Commission to the five civilized tribes, to be designated by the Chairman of said Commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement as amended be so ratified, the provisions of this act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section fourteen of this act. which said amended agreement is as follows:

This agreement, by and between the government of the United States, of the first part, entered into in its behalf by the Commission to the five civilized tribes, Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabiniss and Alexander B. Montgomery, duly appointed and authorized thereunto, and the governments of the Choctaw and Chickasaw tribes or nations of Indians in the Indian Territory, respectively, of the second part, entered into in behalf of such Choctaw and Chickasaw governments, duly appointed and authorized thereunto, viz: Green McCurtain, J. S. Standley, N. B. Ainsworth, Ben Hampton, Wesley Anderson, Amos Henry, D. C. Garland and A. S. Williams, in behalf of the Choctaw tribe or na-

tion, and R. M. Harris, I. O. Lewis, Holmes Colbert, P. S. Mosely, M. V. Cheadle, R. L. Murray, William Perry, A. H. Colbert and R. L. Boyd, in behalf of the Chickasaw tribe or nation.

ALLOTMENT OF LANDS.

Witnesseth, That in consideration of the mutual undertakings; herein contained, it is agreed as follows:

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

That all the lands set apart for town sites, and the strip of land lying between the city of Fort Smith, Arkansas, and the Arkansas and Poteau rivers, extending up said river to the mouth of Mill creek: and 640 acres each, to include the buildings now occupied by the Jones academy, Tuskahoma Female seminary, Wheelock Orphan seminary and Armstrong Orphan academy, and ten acres for the capitol building of the Choctaw nation; 160 acres each, immediately contiguous to and including the buildings known as Bloomfield academy, Lebanon Orphan home, Harley Institute, Rock academy and Collins Institute, and five acres for the capitol building in the Chickasaw nation, and the use of one acre of land for each church house now erected outside of the towns, and eighty acres of land each for J. S. Murrow, H. R. Schermerhorn and the widow of R. S. Bell, who have been laboring as missionaries in the Choctaw and Chickasaw nations since the year 1866, with the same conditions and limitations as apply to lands allotted to the members of the Choctaw and Chickasaw nations, and to be located on lands not occupied by a Choctaw or a Chickasaw, and a reasonable amount of land to be determined by the Town Site Commission, to include all court houses and jails and other public buildings not hereinbe-

fore provided for, shall be exempted from division. And all coal and asphalt in or under the lands allotted and reserved from allotment shall be reserved for the sole use of the members of the Choctaw and Chickasaw tribes, exclusive of freedmen: Provided, That where any coal or asphalt is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land by the lessee or party operating the same, before operations begin. That in order to such equal division, the lands of the Choctaws and Chickasaws shall be graded and appraised so as to give to each member, so far as possible, an equal value of the land: Provided further, That the Commission to the five civilized tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and forty acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined, in such manner as shall hereafter be provided by act of Congress.

That the lands allotted to the Choctaw and Chickasaw freedmen are to be deducted from the portion to be allotted under this agreement to the members of the Choctaw and Chickasaw tribes so as to reduce the allotment to the Choctaws and Chickasaws by the value of the same.

That the said Choctaw and Chickasaw freedmen who may be entitled to allotments of forty acres each shall be entitled each to land equal in value to forty acres of the average land of the two nations.

That in the appraisement of the lands to be allotted the Choctaw and Chickasaw tribes shall each have a rep-

representative, to be appointed by their respective executives to co-operate with the Commission to the five civilized tribes, or any one making appraisements under the direction of the Secretary of the Interior in grading and appraising the lands preparatory to allotment. And the land shall be valued in the appraisalment as if in its original condition, excluding the improvements thereon.

That the appraisalment and allotment shall be made under the direction of the Secretary of the Interior, and shall begin as soon as the progress of the surveys, now being made by the United States government will admit.

That each member of the Choctaw and Chickasaw tribes, including Choctaw and Chickasaw freedmen, shall, where it is possible, have the right to take his allotment of land, the improvements on which belong to him, and such improvements shall not be estimated in the value of his allotment. In the case of minor children allotments shall be selected for them by their father, mother, guardian or the administrator having charge of their estate, preference being given in the order named, and shall not be sold during his minority. Allotments shall be selected for prisoners, convicts and incompetents by some suitable person akin to them, and due care taken that all persons entitled thereto have allotments made to them.

All the lands allotted shall be non-taxable while the title remains in the original allottee, but not to exceed twenty-one years from date of patent, and each allottee, shall select from his allotment a homestead of 160 acres, for which he shall have a separate patent, and which shall be inalienable for twenty-one years from date of patent. This provision shall also apply to the Choctaw and Chickasaw freedmen to the extent of his allotment. Selections for homesteads for minors to be made as provided herein in case of allotment, and the remainder of the lands allotted to said members shall be alienable for a price to be actually paid, and to include no former indebtedness or obligation

—one-fourth of said remainder in one year, one-fourth in three years, and the balance of said alienable lands in five years from the date of the patent.

That all contracts looking to the sale or incumbrance in any way of the land of an allottee, except the sale heretofore provided, shall be null and void. No allottee shall lease his allotment, or any portion thereof, for a longer period than five years, and then without the privilege of renewal. Every lease which is not evidenced by writing, setting out specifically the terms thereof, or which is not recorded in the clerk's office of the United States Court for the district in which the land is located, within three months after the date of its execution, shall be void, and the purchaser or lessee shall acquire no rights whatever by an entry or holding thereunder. And no such lease or any sale shall be valid as against the allottee unless providing to him a reasonable compensation for the lands sold or leased.

That all controversies arising between the members of said tribes as to their right to have certain lands allotted to them shall be settled by the Commission making the allotments.

That the United States shall put each allottee in possession of his allotment and remove all persons therefrom objectionable to the allottee.

That the United States shall survey and definitely mark and locate the ninety-eighth (98th) meridian of west longitude between Red and Canadian rivers before allotment of the lands herein provided for shall begin.

MEMBERS' TITLES TO LANDS.

That as soon as practicable, after the completion of said allotments, the Principal Chief of the Choctaw nation and the Governor of the Chickasaw nation shall jointly execute, under the hands and the seals of the respective nations, and deliver to each of the said allottees patents

conveying to him all the right, title and interest of the Choctaws and Chickasaws in and to the land which shall have been allotted to him in conformity with the requirements of this agreement, excepting all coal and asphalt in or under said land. Said patents shall be framed in accordance with the provisions of this agreement, and shall embrace the land allotted to such patentee and no other land, and the acceptance of his patents by such allottee shall be operative as an assent on his part to the allotment and conveyance of all the lands of the Choctaws and Chickasaws in accordance with the provisions of this agreement, and as a relinquishment of all his right, title and interest in and to any and all parts thereof, except the land embraced in said patents, except also his interest in the proceeds of all lands, coal and asphalt herein excepted from allotment.

That the United States shall provide by law for proper records of land titles in the territory occupied by the Choctaw and Chickasaw tribes.

RAILROADS.

The rights of way for railroads through the Choctaw and Chickasaw nations to be surveyed and set apart and platted to conform to the respective acts of Congress granting the same in cases where said rights of way are defined by such acts of Congress, but in cases where the acts of Congress do not define the same then Congress is memorialized to definitely fix the width of said rights of way for station grounds and between stations, so that railroads now constructed through said nations shall have, as near as possible, uniform rights of way; and Congress is also requested to fix uniform rates of fare and freight for all railroads through the Choctaw and Chickasaw nations; branch railroads now constructed and not built according to acts of Congress to pay the same rates for rights of way and station grounds as main lines.

TOWN SITES.

It is further agreed that there shall be appointed a Commission for each of the two nations. Each Commission shall consist of one member, to be appointed by the executive of the tribe for which said Commission is to act, who shall not be interested in town property other than his home, and one to be appointed by the President of the United States. Each of said Commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said Commission is appointed. Said Commission shall have prepared correct and proper plats of each town, and file one in the clerk's office of the United States district court for the district in which the town is located, and one with the Principal Chief or Governor of the nation in which the town is located, and one with the Secretary of the Interior, to be approved by him before the same shall take effect. When said towns are so laid out, each lot on which permanent, substantial and valuable improvements, other than fences, tillage and temporary houses, have been made, shall be valued by the Commission provided for the nation in which the town is located at the price a fee simple title to the same would bring in the market at the time the valuation is made, but not to include in such value the improvements thereon. The owner of the improvements on each lot shall have the right to buy one residence and one business lot at fifty per centum of the appraised value of such improved property, and the remainder of such improved property at 62½ per centum of the said market value within sixty days from date of notice served on him that such lot is for sale, and if he purchases the same he shall, within ten days from his purchase, pay into the treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and when the entire sum is paid shall be entitled to a patent for the same. In case the two

members of the Commission fail to agree as to the market value of any lot or the limit or extent of said town, either of said Commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said Commission, who is not interested in town lots, who shall act with them to determine said value.

If such owner of the improvements on any lot fails within sixty days to purchase and make the first payment on same, such lot, with the improvements thereon, shall be sold at public auction to the highest bidder under the direction of the aforesaid Commission, and the purchaser at such sale shall pay to the owner of the improvements the price for which said lot shall be sold, less 62½ per cent. of said appraised value of the lot, and shall pay the 62½ per cent. of said appraised value into the United States Treasury, under regulations to be established by the Secretary of the Interior, in four installments, as hereinbefore provided. The Commission shall have the right to reject any bid on such lot which they consider below its value.

All lots not so appraised shall be sold from time to time at public auction (after proper advertisement) by the Commission for the nation in which the town is located, as may seem for the best interest of the nations and the proper development of each town, the purchase price to be paid in four installments as hereinbefore provided for improved lots. The Commission shall have the right to reject any bid for such lots which they consider below its value.

All the payments herein provided for shall be made under the direction of the Secretary of the Interior into the United States Treasury, a failure of sixty days to make any one payment to be a forfeiture of all payments made and all rights under the contract: Provided, That the purchaser of any lot shall have the option of paying the entire price of the lot before the same is due.

No tax shall be assessed by any town government against any town lot unsold by the Commission, and no tax levied against a lot sold, as herein provided, shall constitute a lien on same till purchase price thereof has been fully paid to the nation.

The money paid into the United States Treasury for the sale of all town lots shall be for the benefit of the members of the Choctaw and Chickasaw tribes (freedmen excepted), and at the end of one year from the ratification of this agreement, and at the end of each year thereafter, the funds so accumulated shall be divided and paid to the Choctaws and Chickasaws (freedmen excepted), each member of the two tribes to receive an equal portion thereof.

That no law or ordinance shall be passed by any town which interferes with the enforcement of or is in conflict with the laws of the United States in force in said territory, and all persons in such towns shall be subject to said laws, and the United States agrees to maintain strict laws in the territory of the Choctaw and Chickasaw tribes against the introduction, sale, barter or giving away of liquors and intoxicants of any kind or quality.

That said Commission shall be authorized to locate within a suitable distance from each town site, not to exceed five acres to be used as a cemetery, and when any town has paid into the United States Treasury, to be part of the fund arising from the sale of town lots, ten dollars per acre therefor, such town shall be entitled to a patent for the same as herein provided for titles to allottees, and shall dispose of same at reasonable prices in suitable lots for burial purposes, the proceeds derived from such sales to be applied by the town government for the proper improvement and care of said cemetery.

That no charge or claim shall be made against the Choctaw or Chickasaw tribes by the United States for the expenses of surveying and platting the lands and town sites, or for grading, appraising and allotting the lands,

or for appraising and disposing of the town lots as herein provided.

That the land adjacent to Fort Smith and lands for court houses, jails and other public purposes, excepted from allotment shall be disposed of in the same manner and for the same purposes as provided for town lots herein, but not till the Choctaw and Chickasaw councils shall direct such disposition to be made thereof, and said land adjacent thereto shall be placed under the jurisdiction of the City of Fort Smith, Arkansas, for police purposes.

There shall be set apart and exempted from appraisal and sale in the towns, lots upon which churches and parsonages are now built and occupied, not to exceed fifty feet front and one hundred feet deep for each church or parsonage: Provided, That such lots shall only be used for churches and parsonages, and when they cease to be used shall revert to the members of the tribes to be disposed of as other town lots: Provided further, That these lots may be sold by the churches for which they are set apart if the purchase money therefor is invested in other lot or lots in the same town, to be used for the same purpose and with the same conditions and limitations.

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole; and no patent provided for in this agreement shall convey any title thereto. The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. Such coal and asphalt mines as are now in operation, and all others which may hereafter be leased and operated, shall be under the supervision and control of two trustees, who shall be appointed by the President of the United States, one on the recom-

mentation of the Principal Chief of the Choctaw nation, who shall be a Choctaw by blood, whose term shall be for four years, and one on the recommendation of the Governor of the Chickasaw nation, who shall be a Chickasaw by blood, whose term shall be for two years; after which the term of appointees shall be four years. Said trustees, or either of them, may, at any time, be removed by the President of the United States for good cause shown. They shall each give bond for the faithful performance of their duties, under such rules as may be prescribed by the Secretary of the Interior. Their salaries shall be fixed and paid by their respective nations, each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary.

All coal and asphalt mines in the two nations, whether now developed, or to be hereafter developed, shall be operated, and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

All contracts made by the national agents of the Choctaw and Chickasaw nations for operating coal and asphalt, with any person or corporation which were, on April twenty-third, eighteen hundred and ninety-seven, being operated in good faith are hereby ratified and confirmed, and the lessee shall have the right to renew the same when they expire, subject to all the provisions of this act.

All agreements heretofore made by any person or corporation with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain such member or members' permission to operate coal or asphalt, are hereby declared void: Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt or mineral which have been assented to by act of Congress, but

all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement, subject, however, to payment of advance royalties herein provided for.

All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under nine hundred and sixty acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be fifteen cents per ton of two thousand pounds on all coal mined, payable on the 25th day of the month next succeeding that in which it is mined. Royalty on asphalt shall be sixty cents per ton, payable same as coal: Provided, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury, as herein provided.

All lessees shall pay on each coal or asphalt claim at the rate of one hundred dollars per annum, in advance, for the first and second years, two hundred dollars per annum, in advance, for the third and fourth years, and five hundred dollars for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated, and its production is in excess of such guaranteed annual advance payments, and all persons having coal lease must pay said annual advanced payments on each claim whether developed or undeveloped: Provided, however, That should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalty paid in advance thereon shall then become and

be the money and property of the Choctaw and Chickasaw nations.

In surface, the use of which is reserved to present coal operators, shall be included such lots in towns as are occupied by lessees' houses—either occupied by said lessees' employes, or as offices or warehouses: Provided, however, That in those town sites designated and laid out under the provision of this agreement where coal leases are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged, and in addition thereto a sufficient amount of land to be determined by the town site board of appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines, and a sufficient amount for all buildings and machinery for mining purposes: And, provided further, That when the lessees shall cease to operate said mines, then and in that event the lots of land so reserved shall be disposed of by the coal trustees for the benefit of the Choctaw and Chickasaw tribes.

That whenever the members of the Choctaw and Chickasaw tribes shall be required to pay taxes for the support of schools, then the fund arising from such royalties shall be disposed of for the equal benefit to their members (freedmen excepted) in such manner as the tribes may direct.

It is further agreed that the United States Courts now existing or that may hereafter be created, in the Indian Territory, shall have exclusive jurisdiction of all controversies growing out of the titles, ownership, occupation, possession or use of real estate, coal and asphalt in the territory occupied by the Choctaw and Chickasaw tribes; and of all persons charged with homicide, embezzlement, bribery and embracery, breaches or disturbances of the peace, and carrying weapons, hereafter committed in the territory of said tribes, without reference to race or citizenship of the person or persons charged with such

crime, and any citizen or officer of the Choctaw or Chickasaw nations charged with such crime shall be tried, and, if convicted, punished as though he were a citizen or officer of the United States.

And sections sixteen hundred and thirty-six to sixteen hundred and forty-four, inclusive, entitled "Embezzlement," and sections seventeen hundred and eleven to seventeen hundred and eighteen, inclusive, entitled "Bribery and Embracery," of Mansfield's Digest of the laws of Arkansas, are hereby extended over and put in force in the Choctaw and Chickasaw nations; and the word "Officer," where the same appears in said laws, shall include all officers of the Choctaw and Chickasaw governments; and the fifteenth section of the Act of Congress, entitled "An Act to establish United States Courts in the Indian Territory, and other purposes," approved March first, eighteen hundred and eighty-nine, limiting jurors to citizens of the United States, shall be held not to apply to United States courts in the Indian Territory held within the limits of the Choctaw and Chickasaw nations; and all members of the Choctaw and Chickasaw tribes, otherwise qualified, shall be competent jurors in said courts: Provided, That whenever a member of the Choctaw and Chickasaw nations is indicted for homicide, he made, within thirty days after such indictment and his arrest thereon, and before the same is reached for trial, file with the Clerk of the Court in which he is indicted, his affidavit that he cannot get a fair trial in said court; and it thereupon shall be the duty of the Judge of said Court for the western district of Arkansas, at Fort Smith, Arkansas, or to the United States District Court for the eastern district of Texas, at Paris, Texas, always selecting the court that in his judgment is nearest or most convenient to the place where the crime charged in the indictment is supposed to have been committed, which courts shall have jurisdiction to try the case; and in all said civil suits said courts shall have full

equity powers; and whenever it shall appear to said court, at any stage in the hearing of any case, that the tribe is in any way interested in the subject matter in controversy, it shall have power to summon in said tribe and make the same a party to the suit and proceed therein in all respects as if such tribe were an original party thereto; but in no case shall suit be instituted against the tribal government without its consent.

It is further agreed that no act, ordinance or resolution of the council of either the Choctaw or Chickasaw tribes, in any manner affecting the land of the tribe, or of the individuals after allotment, or the moneys or other property of the tribe or citizens thereof (except appropriations for the regular and necessary expenses of the government of the respective tribes), or the rights of any persons to employ any kind of labor, or the rights of any persons who have taken or may take the oath of allegiance to the United States, shall be of any validity until approved by the President of the United States. When such acts, ordinances or resolutions passed by the council of either of said tribes shall be approved by the Governor thereof, then it shall be the duty of the national secretary of said tribe to forward them to the President of the United States, duly certified and sealed, who shall, within thirty days after their reception, approve or disapprove the same. Said acts, ordinances or resolutions, when so approved, shall be published in at least two newspapers having a bona fide circulation in the tribe to be affected thereby, and when disapproved shall be returned to the tribe enacting the same.

It is further agreed, in view of the modification of legislative authority and jurisdiction herein provided and the necessity of the continuance of the tribal governments so modified, in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the fourth day of March, eighteen hun-

dred and ninety-eight. The stipulation is made in the belief that the tribal government so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the five civilized tribes shall, in the opinion of Congress, be prepared for admission as a State to the Union. But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needed rules and regulations respecting said tribes.

That all per capita payments hereafter made to the members of the Choctaw or Chickasaw nations shall be paid directly to each individual member by a bonded officer of the United States, under the direction of the Secretary of the Interior, which officer shall be required to give strict account for such disbursements to said Secretary.

That the following sum be, and is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for fulfilling treaty stipulations with the Chickasaw nation of Indians, namely:

For arrears of interest at five per centum per annum, from December thirty-first, eighteen hundred and forty, to June thirtieth, eighteen hundred and eighty-nine, on one hundred and eighty-four thousand one hundred and forty-three dollars and nine cents of the trust fund of the Chickasaw nation erroneously dropped from the books of the United States prior to December thirty-first, eighteen hundred and forty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, and for arrears of interest at five per centum per annum, from March eleventh, eighteen hundred and fifty, to March third, eighteen hundred and ninety, on fifty-six thousand and twenty-one dollars and forty-nine cents of the trust funds of the Chickasaw nation erroneously dropped from the books of the United States March

eleventh, eighteen hundred and fifty, and restored December twenty-seventh, eighteen hundred and eighty-seven, by the award of the Secretary of the Interior, under the fourth article of the treaty of June twenty-second, eighteen hundred and fifty-two, five hundred and fifty-eight thousand five hundred and twenty dollars and fifty-four cents, to be placed to the credit of the Chickasaw nation with the fund to which it properly belongs: Provided, That if there be any attorneys' fees to be paid out of the same, on contract heretofore made and duly approved by the Secretary of the Interior, the same is authorized to be paid by him.

It is further agreed that the final decision of the courts of the United States in the case of the Choctaw nation and the Chickasaw nation against the United States and the Wichita and affiliated bands of Indians now pending, when made, shall be conclusive as the basis of settlement as between the United States and said Choctaw and Chickasaw nations for the remaining lands in what is known as the "Leased District," namely, the land lying between the ninety-eighth and one hundredth degrees of west longitude and between the Red and Canadian rivers, leased to the United States by the treaty of eighteen hundred and fifty-five, except that portion called the Cheyenne and Arapahoe country, heretofore acquired by the United States, and all final judgments rendered against said nations in any of the courts of the United States in favor of the United States or any citizen thereof shall first be paid out of any sum hereafter found due said Indians for any interest they may have in the so-called leased district.

It is further agreed that all of the funds invested in lieu of investment, treaty funds or otherwise, now held by the United States in trust for the Choctaw and Chickasaw tribes, shall be capitalized within one year after the tribal governments shall cease, so far as the same may legally be done, and be appropriated and paid by some officer of the United States appointed for the purpose to the Choctaw

taws and Chickasaws (freedmen excepted) per capita, to aid and assist the improving of their homes and lands.

It is further agreed that the Choctaws and Chickasaws, when their tribal governments cease, shall become possessed of all the rights and privileges of citizens of the United States.

ORPHAN LANDS.

It is further agreed that the Choctaw orphan lands in the State of Mississippi yet unsold, shall be taken by the United States at one dollar and twenty-five cents (\$1.25) per acre, and the proceeds placed to the credit of the Choctaw orphan fund in the treasury of the United States, the number of acres to be determined by the general land office.

In itness whereof the said Commissioners do hereunto affix their names at Atoka, Indian Territory, this, the twenty-third day of April, eighteen hundred and ninety-seven.

GREEN M'CURTAIN,
Principal Chief.

R. M. HARRIS,
Governor.

J. S. STANDLEY,
N. B. AINSWORTH,
BEN HAPTON,
WESLEY ANDERSON,
AMOS HENRY,
D. C. GARLAND,

ISAAC O. LEWIS,
HOLMES COLBERT,
ROBERT L. MURRAY,
WILLIAM PERRY,
R. L. BOYD,
Chickasaw Commission.

Choctaw Commission.

FRANK C. ARMSTRONG,
Acting Chairman.

ARCHIBALD S. M'KENNON,
THOMAS B. CABANISS,
ALEXANDER B. MONTGOMERY,
Commission to the Five Civilized Tribes.
H. M. JACOWAY, JR.,

Secretary Five Tribes' Commission.

Approved June 28, 1898.

Chapter XVI.

APPLICATION OF THE TREATIES AND LAWS TO EACH NATION.

CREEK NATION.

Under the treaty with the Creek Indians all lands belonging to the Creek nation, except the town sites and lands reserved for Creek schools and public buildings, are to be appraised at their true value, exclusive of improvements on lands in actual cultivation. The appraised lands are then to be allotted among the citizens of the tribe so as to give each citizen an equal share of the whole, in value. When the allotment is completed (which is practically done at this time), each citizen will have selected 160 acres of land, having the privilege of selecting such land so as to include the improvements that belong to him.

One hundred and sixty acres of land, valued at \$6.50 per acre, constitute the standard value of an allotment, and is the measure for the equalization of values. Any allottee receiving lands of less than standard value of an allotment may select other lands, which, at their appraised value, will bring his allotment up to the fixed standard. If any selected allotment, at its appraised value, exceeds the fixed standard the excess value of his allotment is charged against him and deducted from his share in the future distributions of the funds of the tribe until his excess valuation of allotment is paid in full. If his portion of the distributive funds of the tribe should be insufficient to pay the excess valuation, then it becomes a lien upon the rents and profits of his allotment until paid. A citizen, however, has the privilege of paying into the funds of the tribe, in money, the amount of any excess valuation of his allotment.

Allotments for minors are selected by parents or guardian, and cannot be sold during their minority.

Allotments for prisoners, convicts and aged and infirm persons are selected by their appointed agents.

Allotments for incompetents are selected by guardians, curators or persons of kin.

A citizen who has been holding more land than he and his family are entitled to must make a selection of that amount of such land as he is entitled to hold for himself, wife and minor children. If he have lawful improvements upon such excess holding he may sell such improvements to any other citizen, or he may remove the improvements if he desires. Any allottee selecting an allotment from the excessive holdings of another citizen must pay that citizen the value of the improvements as appraised by the appraisement committee provided for by the treaty, and this amount shall be a lien upon the land until paid.

All controversies arising between citizens as to their rights to select certain tracts of land are determined by the Commission to the five civilized tribes.

Lands allotted to Creek citizens cannot be incumbered, taken or sold, to satisfy any debt or obligation contracted or incurred prior to the date of the deed issued to the allottee. Such lands are not alienable by the allottee or his heirs until after five years from the ratification of the treaty (May 25, 1901,) except with the approval of the Secretary of the Interior. Each allottee must select from his allotment forty acres of land, which he cannot sell or dispose of, but must retain as a homestead, and which he cannot incumber, and which is not taxable for twenty-one years. He may, however, sell, incumber or dispose of the residue of his allotment, over and above the forty-acre homestead, without restriction after five years, and prior to that time with the approval of the Secretary of the Interior. The homestead of each citizen in case of the death of the allottee, remains for the use and support of children born after the ratification of the treaty. In case there are

no children he may dispose of it by will, or in case no will exists it goes to his heirs without limitation.

The Secretary of the Interior must, through the Indian agent of the territory, place each citizen in unrestricted possession of his land when he has made his selection and received his certificate of allotment.

After each citizen has received his allotment of 160 acres, the residue of lands not reserved or otherwise disposed of, and all funds accruing under the provisions of the treaty, are to be used for the purpose of equalizing allotments, and if they are not sufficient any other funds of the tribe will be used, so that all allotments may be made, as near as may be, equal in value.

All towns in the Creek nation that had a population of two hundred people or more at the date of the treaty (March 8, 1900,) must, and all other towns may be, surveyed, laid out, platted into town lots, streets, alleys and parks, by the Secretary of the Interior under such rules and regulations as he may prescribe.

The Secretary of the Interior is authorized to appoint a Town Site Commission consisting of three members, one of whom must be a citizen of the nation. After the approval of the surveying, platting, etc., by the Secretary of the Interior, it is the duty of the Town Site Commission to appraise and sell the town lots for the benefit of the tribe. The judgment of any two members governs in appraising; if no two agree the matter is determined by the Secretary. When public interest justifies a separate Town Site Commission may be appointed for any town. The Secretary of the Interior may at his discretion permit any town to make its own survey, plat, etc., subject to his approval.

The Secretary of the Interior may, for cause, remove any Town Site Commissioner, and fill the vacancy by appointment in the same manner as the place was originally filled.

Town site limits may be so established as to best subserve the present needs and reasonable prospective growth of the town.

When recommended by the Commission to the five civilized tribes, the Secretary of the Interior may reserve from allotments any land, not exceeding 160 acres in one tract for town sites, for railroad stations as are or shall be established on any line of railroad, either already constructed, or in process of construction without any reference to the population of such town site. When such land is occupied by a citizen of the nation he shall be fully compensated for his improvements.

Any person occupying any town lot with permanent improvement upon it has the right to purchase such lot by paying one-half of the appraised value of the lot, but he must make the first payment within sixty days after notice of the appraised value of his lot, or the lot and improvements may be sold at auction, under the direction of the Town Site Commission at a price not less than their appraised value, the purchaser paying to the owner of the improvements the price thereof less the appraised value of the lot.

Any person having the right of occupancy of one business and one residence lot in any town, and not owning any other land in that town, has the privilege of purchasing such business and residence lots at one-half the appraised value, although they may have no improvements thereon.

Any person who may have purchased any lot or parcel of land not exceeding four acres, in any town, from any one in legal possession at the time, and prior to the date of the Creek agreement, has the right to purchase such land at one-half its appraised value.

All town lots, having no improvements upon them, and not otherwise specifically provided for, are sold by the Town Site Commission at public auction, from time to time,

after advertising the sale, at not less than their appraised value.

Any person having the right of occupancy of lands in any town which has been or may be laid out into town lots to be sold at public auction, has the right to purchase one-fourth of all lots into which such lands have been divided at two-thirds of their appraised value.

When any town lot, upon which are improvements, has been appraised, the Town Site Commission notifies the owner of the improvements of the amount of the appraisal of the lot, and he must within sixty days from date of that notice, make payment of ten per cent. of the amount due for the lot, and four months thereafter must make an additional payment of fifteen per cent. of the amount, and the remainder of the purchase money is paid in three annual payments without interest. Payments for unimproved lots are made in the same manner and upon the same terms as for improved lots.

A purchaser has the privilege in either case of paying the entire amount due at any time. In case any payment is not made when due it bears interest at ten per cent. per annum, until paid.

All town lots purchased under the provisions of the agreement are free from incumbrance by any debt contracted prior to the date of the deed. All deferred payments constitute a lien upon the property for which the debt was contracted, and if payment is due and unpaid at the end of two years from the date of the fifteen per cent. payment, the lien for the payment of all purchase money remaining unpaid may be enforced in the United States Court in the same manner as vendors' liens are enforced, the suit to be brought in the name of the Principal Chief for the benefit of the tribe.

No taxes can be assessed against any unsold town lot, but can be assessed against any lot upon which any payment has been made, and all taxes so assessed become a

lien upon the interests of the purchaser in such lot, and in case of the forfeiture of the lot all taxes assessed against that lot are paid out of any money the purchaser may have paid on the lot.

Towns have the right to purchase land for cemetery purposes, may dispose of burial lots and apply the proceeds for the improvement of the property.

The United States may purchase land for court houses, jails and other public buildings at its appraised value, paying for any improvements that may be upon the land selected.

All schools and institutions of learning located in incorporated towns may purchase the lots or parcels of land they occupy at one-half their appraised value.

Town lots or parts of lots not exceeding fifty by one hundred and fifty feet, upon which church houses and parsonages have been erected, are conveyed gratuitously, and if they have adjoining lots enclosed necessary for their use, the churches can purchase such lots at one-half their appraised value.

The Secretary of the Interior furnishes the Principal Chief of the Creek nation with the blank deeds necessary for all the conveyances provided for in the treaty. The Principal Chief issues the deeds to each allottee for the lands embraced in his allotment certificate, and for lands to which he becomes entitled in the equalization of his allotment. The deed transfers all right, title and interest of the Creek nation in the land deeded, and in accepting the deed the allottee relinquishes all his individual right, interest and title to the lands of the tribe, except in the proceeds of lands reserved from allotment. Deeds to town lots are issued in like manner. All deeds are to be approved by the Secretary of the Interior and its approval serves as a relinquishment of all right, title and interest in the United States in the lands embraced in the deed.

All deeds after execution and approval are filed in the office of the Commission to the five civilized tribes without expense to the grantee.

The following lands are reserved from the general allotment: All lands set apart for town sites; all lands to which any railroad company may have a vested right for right of ways, depots, station grounds, water stations, stock yards or for similar uses in the maintenance and operation of the road; lands for certain schools and charitable institutions; lands for town cemeteries; lands occupied by the university established by the American Home Missionary Society, one acre each for six Creek court houses and one acre each for all churches and schools outside of towns, used regularly as such.

Municipal corporations are authorized, with the approval of the Secretary of the Interior, to issue bonds and borrow money thereon, for sanitary purposes, the construction of sewers, lighting plants, water works and school houses.

All moneys paid to the tribe under the provisions of the treaty are paid into the United States Treasury to the credit of the tribe and all money expended for the purposes of equalizing allotments, or other provisions of the agreement, are paid under the direction of the Secretary of the Interior.

The United States pays all expenses of surveying, platting, disposition of the town lots and allotments of lands, except where special permission is given to towns to survey and plat at their own expense.

Creek citizens may rent their own allotments, when selected from year to year, and after they receive their deeds they may rent without any restrictions, providing adjoining allotments are not injured thereby.

Cattle may be grazed on leased allotted lands and not be subject to any tribal tax, but when grazed on lands that have not been allotted the Secretary of the Interior is au-

thorized to collect a reasonable grazing tax for the benefit of the tribe. As at this time the Creek lands are practically all allotted this provision is not of any particular force.

No non-citizen renting lands from a Creek citizen, whether such lands have been selected as an allotment or not, shall be required to pay any permit tax.

The tribal government of the Creek nation cannot continue longer than March 4, 1906, subject to such further legislation as Congress may decree proper.

Section fourteen of the Curtis act (June 28, 1898,) is in force as to its application to the Creek nation, but all other provisions of this act in no way applies when inconsistent with the Creek treaty. This section provides that any town or city in the territory, having two hundred or more people, may petition the United States Court for corporation, and become incorporated as provided for in chapter twen-nine of Mansfield's Digest of the Statutes of Arkansas, the Clerk of the Court performing all the acts required of the recorder of the Clerk of the County Court, or the Secretary of State, necessary for the corporation of the town as provided in the Mansfield's Digest. When a town is so incorporated it possesses all the powers and exercises all the rights possessed and exercised by the municipalities in the State of Arkansas. All male inhabitants of the town who are citizens of the United States, or of the tribes, who are over twenty-one years old, and have resided in the town for six months prior to any election, are qualified voters. The mayors of the towns have the same jurisdiction in civil and criminal cases arising within the limits of the towns as the United States Commissioners in the territory.

The provisions of section thirteen of the Curtis act do not apply to or in any manner affect the lands or other property of the Creek nation. The provisions of this sec-

tion pertain to the leasing of oil, coal, asphalt and other mineral lands.

After allotment is made the Principal Chief of the Choctaw nation and the Governor of the Chickasaw nation will issue a deed jointly to each allottee, conveying to him all the right, title and interest of the nations in the land transferred by the deed, and the allottee, in accepting the deed, relinquishes his right, title and interest in all other lands of the nation except his interest in such reservations as are excepted from division. No title, however, is given by the deed for any coal or asphalt that may exist under his land.

The Atoka agreement provides for the appointment of a Town Site Commission for each of the nations, consisting of two members, one representing the government and one the nation. The Commissions are authorized to lay out town sites, to be restricted as far as possible to the present limits of existing towns. They are to prepare proper plats of each town, to be approved by the Secretary of the Interior. The lots in all towns are appraised by the Town Site Commissions, exclusive of any improvements that have been placed on them. The owner of the improvements has the right to buy one residence and one business lot at one-half the appraised value, and all the other lots upon which he may have improvements at sixty-two and one-half per cent. of the appraised value, within sixty days from the date of the notice served by the Commissions that such lots are for sale. Within ten days from his purchase he must pay one-fourth of the purchase price and pay the balance in three annual payments. When the last payment is made he receives his deed for the lot.

If the owner of the improvements on any lot fails to purchase and make the first payment, the lot, with the improvements, is sold at auction by the Town Site Commissions and the purchaser pays the owner of the improvements the amount the lot is sold for.

Each member of these nations, including the freedmen, have the right to select their allotments so as to include the improvements each one may own, but the improvements are not taken into consideration in appraising the land.

Allotments for minor children are to be selected by the parents, guardian or the administrator of an estate, and such allotments cannot be sold during minority; allotments for prisoners, convicts and incompetents are selected by some person akin to them.

All allotments are non-taxable for twenty-one years, provided the title remains in the original allottee. Each allottee must select a homestead of 160 acres, for which a separate deed is issued and which he cannot dispose of for twenty-one years. This provision also applies to the freedmen for the whole of his allotment. The remainder of the lands allotted to each member may be disposed of by the allottee for a price to be actually paid, and not to include any former indebtedness; one-fourth of the land may be sold in one year, one-fourth in three years and the balance in five years from the date of the deed.

Any contract for sale, or any incumbrance except as stated, is declared void.

An allottee may lease any portion of his land for any period not exceeding five years, but all leases to be effective, must be recorded in the office of the Clerk of the United States Court in the district in which the land is located.

All contests arising between members of the tribes as to selection of allotments are decided by the Commission. The United States puts each allottee in possession of his land and removes all parties who have no right there.

THE CHICKASAW AND CHOCTAW NATIONS.

The Atoka agreement is a treaty with the Chickasaw and the Choctaw tribes jointly, its provisions affecting

both nations alike. Under this agreement all lands of the two tribes are to be divided between their members, each one to receive an equal share, considering the character and fertility of the soil, and the location and value of the lands. There is no fixed standard of value in these nations as there is in the Creek nation, but the lands will be allotted by the Commission to the five civilized tribes to give each one the same value in land.

All town sites, lands for educational and charitable institutions, ten acres for the Capitol Building of the Choctaw nation, five acres for the Capitol Building of the Chickasaw nation, one acre for each school house outside of towns, court houses, jails and other public buildings, including some special reservations, are reserved from allotment. All coal and asphalt in or under all the lands of these nations is reserved for the benefit of the members of the tribes. When coal or asphalt is opened up on lands the value of the use of the surface for prospecting or mining, and the damage done to the other land and improvements, must be paid to the owner of the land by the party operating, before commencing work, the damages to be determined under the direction of the Secretary of the Interior.

The agreement provides that the Commission to the five civilized tribes shall make a correct roll of the freedmen and their descendants, entitled to rights or benefits under former treaties, and forty acres of land, including their present improvements, shall be allotted to each, to be selected and used by them until their rights shall be determined as Congress may provide for, less sixty-two and one-half per cent. of the appraised value of the lot, which is paid into the United States Treasury in the same manner as other payments for lots are made.

Unimproved lots are not appraised in these nations, but are sold at public auction to the highest bidder at such times, after advertising, as in the judgment of the Town

Site Commissions seems to be for the best interest of the nations and the good of the towns. The Commissions have the right to reject all bids which they consider below the value of the lots. Payments are made in the same manner and on the same terms as for improved lots.

Failure for sixty days to make any payment causes a forfeiture of all payments that may have been made, and all right under the contract, but any purchaser has the privilege of paying the entire amount any time before it is due.

No taxes can be assessed by any town against any unsold lot, and no taxes assessed against a lot that has been sold becomes a lien upon the lot until the purchase price has been fully paid.

The money paid into the treasury from the sale of town lots is for the benefit of the members of each nation.

Towns have the right to purchase land for cemetery purposes, not to exceed five acres, at the price of ten dollars per acre, and divide such land into suitable burial lots and dispose of such lots, using the proceeds for the improvement of the cemetery.

The United States government bears all expense of surveying and platting lands for town sites, for appraising and allotting the lands, or for appraising and disposing of town lots.

Town lots upon which churches and parsonages are now built, not to exceed fifty by one hundred feet for each church or parsonage, are exempted from appraisement and sale so long as they are used for such purposes. If they cease to be so used the lots revert to the tribes, to be disposed of as other town lots are.

The agreement provides that all coal and asphalt in the Choctaw and Chickasaw nations be the common property of the members of the two nations, not including the freedmen, each member having an undivided interest in the whole. Such an amount of revenue derived from coal

and asphalt as may be necessary is used for the education of the Indian children of the nations.

All coal and asphalt mines are under the supervision of two trustees, one a Choctaw and one a Chickasaw, who give bond, and perform their duties under rules prescribed by the Secretary of the Interior, and to whom their reports are made, and all their acts are subject to his approval.

All leases on coal, asphalt or other mineral, as the case may be, cover the coal, asphalt or mineral, in or under 960 acres of land, in a body as nearly square as may be, and run for thirty years. Royalty on coal is placed at fifteen cents per ton and sixty cents per ton on asphalt, but these royalties may be reduced or advanced by the Secretary of the Interior at his discretion.

All lessees on each coal or asphalt claim shall make an advance payment of one hundred dollars per annum for the first and second years, two hundred dollars per annum for the third and fourth years, and five hundred dollars for each succeeding year. These payments to be deducted from royalty payments when the latter exceed the advanced payments named. In case of default for sixty days, to make these advance payments the lease becomes null and void and any payments made are forfeited to the nations.

In towns where coal is now being mined, and coal leases are operated, there is reserved from appraisement and sale all lots on which are houses of miners actually engaged in mining, and in addition thereto a sufficient amount of land to furnish homes for the men actually engaged in operating the mines under the lessees, as well as sufficient ground for warehouses, offices, buildings and machinery. When such land and lots cease to be used for that purpose they are to be disposed of for the benefit of the tribes.

The agreement provides that no act, ordinance or resolution of the council of either nation, in any manner af-

fecting the land of the tribes, or of the individuals, after allotment, or the moneys or property of the tribe, or citizens (except for the appropriations for regular expenses of the governments of the tribes), or the rights of any person to employ any kind of labor, shall have any validity until such acts, ordinances or resolutions have been approved by the President of the United States.

The tribal governments will cease to exist on March 4, 1906.

It is provided by the agreement that when the tribal governments cease to exist the Choctaws and Chickasaws shall become possessed of all the rights and privileges of citizens of the United States.

The Choctaw orphan lands in the State of Mississippi are to be taken by the United States at \$1.25 per acre, and the amount placed to the credit of the Choctaw orphan fund in the United States Treasury.

THE SEMINOLE NATION.

The treaty with the Seminole tribe provides that all the lands belonging to the Seminole Indians shall be divided into three classes, the first to be appraised at \$5 per acre, the second class at \$2.50 per acre and the third class at \$1.25 per acre. This is the only treaty that provides for a stipulated valuation of lands. These lands are to be divided among the members of the tribe so that each shall have an equal share in value, the location and fertility of soil considered. Each member has the right to select his allotment so as to include the improvements owned by him. After allotment each member has the sole right of occupancy of the land allotted to him during the existence of the tribal government and until the members of the tribe have become citizens of the United States.

Allotments in the nation, as in all the others, are made by the Commission to the five civilized tribes, who issue a certificate describing the land allotted.

Contracts for sale, or any incumbrance of any kind, prior to the date of the deed to the allotment are absolutely void, but any allottee may lease any portion or all of his allotment for any time not exceeding six years. The lease must be approved by the Principal Chief and a copy filed in the office of the Clerk of the United States Court at Wewoka, the capital of the Seminole nation. Leases of coal, mineral, oil or gas lands must be made with the tribal government with the consent of the allottee and to be approved by the Secretary of the Interior. When any coal, oil, gas or mineral is discovered upon the allotment of any member of the tribe, and it is operated to produce royalty, one-half of the royalty is paid to the allottee and one-half is paid into the treasury of the tribe until the tribal government ceases to exist, the latter to be used for equalizing allotments. Any funds of the tribe after extinguishment of the tribal government can be used to equalize allotments until each allotment is made equal in value. Five hundred thousand dollars of the funds of the Seminole nation held by the United States government is set aside as a permanent school fund, the proceeds of which at five per cent. interest are to be used for the education of the children of the tribe until the tribal government ceases, after which it is to be applied by the Secretary of the Interior to the maintenance of the Mekasuky and Emahaka academies and the district schools of the Seminole nation. There is reserved from allotment 320 acres of land for each of these academies and 80 acres for each of the eight school districts in the nation.

There is reserved from allotment one-half acre for each church in the nation, now existing or hereafter established, so long as it is used for church purposes, but when it ceases to be used for such purposes it reverts to the nation.

One acre in each township is excepted from allotment which may be purchased by the United States for the pur-

pose of establishing schools for the education of children of non-members of the tribe.

At the close of tribal government the Principal Chief is to execute and deliver to each allottee a deed for his allotment conveying all the right, title and interest of the nation and its members in the land embraced in the deed, and the approval of the Secretary of the Interior releases all right, title and interest of the United States government, while the acceptance of the deed by the allottee relinquishes all the right, title and interest in all other lands of the tribe except such as may have been excepted from allotment, to be held in common for other purposes.

Each allottee must designate forty acres of his allotment as a homestead, which is non-taxable and inalienable in perpetuity.

After equalizing the value of all allotments, and reserving the \$500 school fund, all moneys belonging to the Seminole nation are to be divided per capita, in three payments, among the members of the tribe, the first payment to be made after tribal government ceases, and the others one and two years later.

Regular terms of the United States Court are held at Wewoka.

THE CHEROKEE NATION.

The Cherokee nation, having no new treaty or agreement with the United States, comes under the provisions of the Curtis act (June 28, 1898), and where the treaty stipulations of the other nations do not conflict with the Curtis act it applies to them as well, but the treaties take precedence over his act.

Under the Curtis act the surface of the lands of the Cherokee nation, through the Commission to the five civilized tribes, is to be allotted to the exclusive use and occupancy of the members of the tribe, giving to each his fair and equal share thereof, considering the fertility of

the soil, location, and the value of the same; but all oil, coal, asphalt and mineral deposits in the lands are reserved to the tribe and allotments will not carry title to the deposits named. All town sites are reserved from allotment. Reservations are also made for lands occupied by churches, schools, parsonages, charitable institutions and other public buildings, for their necessary use, not to exceed more than one acre for each church or five acres for each school now established or to be established. Land for cemetery purposes is also reserved.

An allottee may select lands upon which his improvements are located. All allotted lands are non-transferable and non-taxable until full title is acquired, and an obligation contracted prior to acquiring title will not hold as against an allotment.

All incorporated towns may secure the lands necessary for public improvements, regardless of tribal lines, by means of condemnation, or otherwise, and when condemnation proceedings are necessary they may be brought under sections 907 to 912, inclusive, of Mansfield's Digest of the statutes of Arkansas.

Leases covering oil, coal, asphalt and other minerals may be made by the Secretary of the Interior, under such rules and regulations as he may direct, for any time not exceeding fifteen years for an original lease or for renewal thereof. No such lease can cover the mineral in more than 640 acres of land conforming as nearly as possible to regular surveys. Lessees must pay in advance on each lease \$100 per annum for the first and second years; \$200 per annum for the third and fourth years, and \$500 per annum for each succeeding year, but these payments are deducted from the royalties when they exceed, in any year, the amounts named. These advance payments must be made whether the mines are developed or not. Default of payment for sixty days cancels the lease and forfeits the advance payments. Damages to the surface of the land

by reason of operating a lease are ascertained under direction of the Secretary of the Interior and must be paid to the allottee or owner of the land before operations commence. The rate of royalty to be paid by lessees is fixed by the Secretary of the Interior. The inhabitants in any town in the Cherokee nation may petition the United States court for incorporation and become incorporated as is provided in chapter twenty-nine of Mansfield's Digest. The town government when so organized possesses all the powers and exercises all the rights of similar municipalities in the State of Arkansas. All male inhabitants over twenty-one years old, who are citizens of the United States, or of the tribe, who have resided in the town for six months, are qualified voters. Mayors exercise the same jurisdiction in civil or criminal cases, arising within the limits of the town, as United States Commissioners in the Indian Territory. The marshal, or other executive officer, has the same jurisdiction as constables have under the laws in force in the territory.

City or town governments cannot tax any lands in the city or town prior to the acquiring of title from the tribe, but all other property, including the improvements on town lots, together with all occupations and privileges, are subject to taxation, and for support of the town, schools and other public purposes the councils may levy an annual tax upon such property not to exceed two per centum of the assessed value. The councils may establish and maintain free schools under the provisions of sections 6258 to 6276, inclusive, of Mansfield's Digest of the statutes of Arkansas, and may exercise the powers conferred upon special school districts in the cities and towns of that State.

The owners and holders of leases, or improvements in any town are privileged to transfer the same.

Town Site Commissions, consisting of one person representing the government, one the Cherokee nation and one the town, are provided for, who shall cause to be surveyed,

and laid out, town sites for all towns that had a population of two hundred people at the time of the passage of the Curtis act. Provision is made for streets, alleys, public grounds, including parks and cemeteries, giving each town such territory as may be required for its present needs and reasonable prospective growth.

All town lots are to be appraised at their actual value, excluding improvements, for which a separate appraisal is made, such appraisements to be approved by the Secretary of the Interior, and in case of disagreement as to valuation the Secretary fixes it.

The owner of the improvement on any town lot may purchase such lot at one-half its appraised value, paying ten per cent. of the purchase price within two months, fifteen per cent. more within six months, and the remainder in three annual payments after the date of notice of appraisal. If the owner of the improvements on a lot fails to make payments as provided the lot may be sold as unimproved lots are sold, and the purchaser may, by condemnation proceedings, have the improvements appraised, and deposit the appraised amount with the clerk of the court. The owner of the improvements must accept the deposit in full payment or remove his improvements within a time to be fixed by the court.

All unimproved lots are appraised and sold at public auction to the highest bidder for not less than their appraised value, unless otherwise ordered by the Secretary of the Interior. Payment is made in the same manner as for improved lots.

The inhabitants of any town may, within one year after the survey is made, purchase the land for parks, cemeteries and other public grounds, laid out by the Town Site Commission, at the price of ten dollars per acre, paying for the same on the same terms as apply to payment for town lots. The tribe must authorize some person to execute and deliver to the purchaser a deed conveying to him

the title to such lots or lands. All money received from the sale of town lots and lands is paid into the United States Treasury and paid out per capita to the members of the tribe after title to the town property has been perfected. In town sites where coal is being mined under leases, there is reserved from appraisement and sale all lots occupied by miners actually engaged in mining, but only while they are so engaged. There is also reserved such an amount of land as is needed for houses for the employes actually working the mines for the lessees, and the amount necessary for buildings and machinery for mining purposes. All these reserved lands, however, revert to the tribe when they cease to be used for the purposes named.

Members of the tribe may dispose of any timber on their allotments.

No member of the tribe is permitted to enclose or hold possession of more land than would be the share to be allotted to himself, wife and minor children. The United States district attorney is required to see that this provision is enforced, the penalty being a fine of one hundred dollars. Each day the excessive land is held is considered a separate offense.

The Commission of the five civilized tribes is directed to make a roll of citizenship of the members of the Cherokee tribe using the roll of 1880 (including freedmen) as a basis, and enrolling all persons now living who are found on the roll, and all descendants born since the date of the roll, to those found on the roll; and all persons who have been enrolled by the tribe, who have made permanent settlements in the Cherokee nation, whose parents, by reason of their Cherokee blood, have been admitted to citizenship, and who were minors when their parents were so admitted. This Commission is authorized to investigate the right of all other persons claiming citizenship, including inter-married white persons, enrolling such as may be entitled to citizenship under the Cherokee laws. The Commission is

directed also to make a roll of the Cherokee freedmen in compliance with a decree of the Court of Claims.

No person can be enrolled who has not removed to and settled in the Cherokee nation.

Before any allotment of lands is made the Cherokee nation, there must be reserved by the Commission 157,600 acres of land, purchased by the Delaware Indians from the Cherokee nation, to be subject to the judicial determination of the rights of the Delawares and their descendants, under the agreement between the Delawares and the Cherokees. Suit is now pending for the adjudication of the matter. The Delawares claim that they participate in all the lands, rights, privileges and immunities of the native Cherokees, in all respects, while the Cherokees contend that they have no right to any interest in the nation, except the 157,600 acres of land sold to them.

All tribal courts in the Cherokee nation have been abolished.



Chapter XVII.

REGULATIONS AND AMENDMENTS.

REGULATIONS.

(AS AMENDED JULY 10TH 1903.)

FOR THE SALE AND LEASING OF CREEK LANDS.

The following regulations are hereby prescribed for the purpose of carrying into effect the provisions of sections 16 and 17 of the Act of Congress approved June 30, 1902 (32 Stat., 500), and ratified by the Muskogee (or Creek) National Council on July 26, 1902.

Section 1. Creek citizens desiring to sell such of their lands as they are by law authorized to sell with the approval of the Secretary of the Interior, may apply to the Indian agent or other officer in charge at the Union Agency, Muskogee, Indian Territory, by petition, in duplicate, containing an accurate description of the land and improvements thereon, praying that such land may be sold in accordance with these regulations, stating facts to show title, and why it will be for the best interest of the owner to sell it for a fair price, and signed by all persons or their legal representatives having any interest in the land. A form of petition has been prescribed which must be used.

(1). When such Indian agent or other officer in charge shall be satisfied that the facts alleged in the petition are sufficient, he shall cause a memorandum record of the same to be made in a book to be kept for that purpose, and shall file the petition in his office. The duplicate copy of such petition shall be immediately forwarded to the Commissioner of Indian Affairs by such agent or other officer in charge, who, before so forwarding it, shall endorse thereon the date the same was received by him and the date the land described therein will be listed for sale.

(2). Such agent or other officer in charge shall on each Monday morning post in a conspicuous place in his office, in such large letters and figures as shall be clearly legible, for a period of sixty days, a list of the lands described in petitions received by him during the week preceding such Monday, showing in separate columns the names of the owners, the description of the lands, the dates when listed, and the dates when the bids will be opened, and such list shall be accessible to the public at all

times in the business hours of the office. On each Monday the Indian agent or other officer in charge will forward to the Commissioner of Indian Affairs a complete list of all lands posted in his office for sale.

(3). When any tract of land has been so listed, the Indian agent or other officer in charge, when competent from his general knowledge of the value of the land, shall visit, view, and appraise the same at its true value, according to his best judgment. If such agent or other officer is not so competent, or if it shall be impracticable for him to personally visit and appraise the land, he shall require the appraisement to be made in like manner by a competent officer or employee under his charge. A certificate of said appraisement, signed and sworn to by the person making it, shall be sealed and not opened until the sealed bids for that tract of land are opened. THE APPRAISEMENT SHALL NOT BE MADE PUBLIC, but no bid less than the appraised value shall be considered. If the appraisement is made by other than the agent or officer in charge such agent or officer in charge shall add his certification of the qualification and integrity of the appraiser, and that he believes the appraisement to be the true value of the land.

(4). Sealed bids will be received by such agent or other officer in charge at his office, for any lands so listed, at any time before the day on which the bids are opened. If a bidder desires to bid on tracts not contiguous he must submit a separate bid for each tract, and if he desires to purchase less than an entire tract offered he may submit a bid for one or more legal subdivisions thereof.

(5). All such bids shall be enclosed in a sealed envelope, upon which must be written "Bid for Creek Land, described as follows," followed by the description of the land, before the same is deposited with the Indian agent or other officer in charge. Bids shall be numbered by such Indian agent or other officer in charge in the order in which the same shall be received by him, and a memorandum record of each, containing number of bid and description of land, shall be kept in a book suitable for that purpose. Each bid must be accompanied by a duly certified check on some solvent bank, payable to the Commissioner of Indian Affairs, for the use of the grantors, for twenty per cent. of the amount offered, as a guarantee for the faithful performance by the bidder of his proposition. If the bid shall be accepted and the successful bidder shall, within reasonable time, not exceed-

ing ten days, after due notice, fail to comply with the terms of his bid, such check shall be forfeited to the use of the owner of the lands.

(6). The right to reject any or all bids is reserved, but in all cases the highest bid shall be accepted by such Indian agent or other officer in charge, and such acceptance shall be subject to the approval of the owner of the land.

(7). Purchasers shall, before delivery of deed, pay all costs of conveyancing, and, in addition thereto, to cover the expenses of advertising, the sum of one dollar when the purchase price does not exceed \$1,000, and one dollar and twenty-five cents when the purchase price exceeds \$1,000 and does not exceed \$2,000, and one dollar and fifty cents when the purchase price is more than \$2,000.

(8). Bidders and other interested persons may be present when bids are opened. When opened the bids shall be so recorded, in a book to be kept for that purpose, as to show the name of the bidder, description of land, amount offered, and action taken thereon.

(9). Listed land not disposed of at the appointed time may, if the owner so desires, be relisted under the same rules as governed its original listing, except in any case where the owner has refused to approve the highest bid, when such bid is deemed by the Indian agent or other officer in charge to be a fair price for the land, and in such case the land may be relisted as aforesaid, in the discretion of the Indian agent or other officer in charge.

(10). When bids are opened the certified checks accompanying each shall, as soon as practicable, be returned to the bidder (except that accompanying the accepted bid) by the Indian agent, or other officer in charge, who shall take the bidder's receipt for the same, of which he shall in each case make full report to the Commissioner of Indian Affairs without unnecessary delay.

(11). The Commissioner of Indian Affairs shall cause an advertisement of lands listed to be published in at least one weekly newspaper published at Muskogee, Indian Territory, and such additional weekly newspapers as he may deem advisable, so that each tract listed shall, as nearly as may be practicable, be advertised during the listed period.

(12). The advertisement shall contain a description of the land as listed and shall state that sealed bids will be received.

therefor at the agency until the day when bids are to be opened, which day shall be clearly specified, and that such sealed bids must be accompanied by and contain a duly certified check on some solvent bank, payable to the order of the Commissioner of Indian Affairs, for twenty per cent. of the amount of the bid, and that further information and a copy of rules and regulations applicable may be had at the Union Agency.

(13). In addition to such advertisement the Commissioner of Indian Affairs shall cause public notice to be given by publication in a newspaper published at Muskogee, that rules and regulations and any other information relative to the sale of Creek lands may be obtained on application to the Indian agent, Union Agency, Muskogee, Indian Territory, and such publication shall continue until otherwise ordered by the Commissioner of Indian Affairs.

Section 2. The deed must be executed in the presence of two subscribing witnesses and duly acknowledged before the Indian agent at Union Agency, a notary public, or other officer duly authorized to take acknowledgment of deeds. The witnesses must make affidavit that the deed was in their presence read and fully explained to the grantor, and that he understood the nature, contents and effect thereof, and approved and signed the same in their presence.

Section 3. Such deed when transmitted by the Indian agent, or other officer in charge, for the Secretary's approval, must be accompanied by the original petition; the certificate of appraisal; all bids relating to the land covered by such deed; a duly certified check on a solvent bank for the full purchase price, payable to the order of the Commissioner of Indian Affairs; and a full report by the Indian agent or other officer in charge of all proceedings previous to the execution of the deed, also—

(1). By the certificate of the Indian agent, or officer before whom the deed was acknowledged, that the contents, purpose, and effect of the deed were explained to and fully understood by the grantor or grantors, that the consideration specified in the deed is a fair price for the land; that the conveyance is in every respect free from fraud or deception; and that the land described in the deed is no part of the grantor's homestead. The affidavits of the grantor or grantors, and the grantee or grantees, must accompany such deed, showing that there is no contract, agreement or understanding (written or verbal) whereby the consideration money or price paid for the land, or any portion thereof, is to be

refunded to the purchaser of the deed; nor any live stock, implements, other articles or things are to be exchanged or taken in lieu of said consideration or purchase price, or any portion thereof, for said lands. The deed must also be accompanied by an affidavit of the grantee (or grantees) stating that he (she or they) is not a party to any association or combination of persons to acquire the land described in the deed at less than its fair value, or to prevent open and fair competition in the purchase thereof, and that neither the grantor, nor anyone acting for him in his place, has been given or promised any money or other thing by the grantee or by anyone with his advice, consent, or knowledge, except the consideration named in the deed, to induce him to agree to such sale of his land.

(2). When the deed has been returned to the Indian agent, duly approved by the Secretary of the Interior, it shall be accompanied by the certified check for the purchase price duly endorsed, with appropriate instructions from the Commissioner of Indian Affairs to the Indian agent relative to the delivery of the deed to the grantee and the payment of the purchase price to the grantor. The Indian agent in reporting on deeds will be careful to show the value of the land, as appraised by the Commission of the Five Civilized Tribes, in order that the Department may know how it was classified for distribution. He will ascertain whether the party or parties seeking to sell the parties to whom the land was allotted, and will give his opinion as to whether the instrument should be approved, with his reasons for such opinion.

LEASES.

Section 4. No lease will be approved for a greater term of years than as follows: THREE years for grazing purposes, TEN years for agricultural purposes, and FIFTEEN years for mineral purposes. All leases must be in quadruplicate and be executed in the presence of two subscribing witnesses, one part to be filed in the office of the Commissioner of Indian Affairs, one with the agent, Union Agency, one to be delivered to the lessee, and one to the lessor.

Section 5. All leases must accurately describe the lands, specify the rents or royalties and when the same are to be paid, and they must contain a provision to the effect that if the lessee shall fail to pay the rents or royalties or any part thereof when due, or shall fail to faithfully comply with the terms and condi-

tions of the lease, such failure shall constitute a forfeiture of the lease and all improvements placed on the land by the lessee, and that the lessor shall be entitled to immediate possession of the leased lands and the improvements located.

All improvements placed on the lands by the lessee to an agricultural or grazing lease, or anyone holding under him as a sublessee, or otherwise, shall, at the expiration of the lease, be and become the property of the owner of the land.

This regulation is also applicable to all improvements and buildings placed upon lands leased for mineral purposes, except tools, boilers, boiler houses, pipe lines, pumping and drilling outfits, tanks, engines, casings, of all dry or exhausted wells and machinery.

All original leases, except of mineral lands as hereinafter provided, shall be required to furnish a bond executed by two or more sufficient sureties, each of whom must justify under oath to an amount equal to the entire rental, guaranteeing the payment of all rents at the time and in the manner specified in the lease, and the performance of all covenants and agreements named in the indenture to be paid and performed by the lessee.

Each mineral lease must be accompanied by an application, under oath by the lessee, upon blanks to be furnished by the agent. Each applicant will be required to state that the application is not made for speculation, but in good faith, and where the lease is for mining purposes, for mining the mineral or minerals specified, including oil and natural gas. A map must accompany each application, therein showing the amount of land of each legal subdivision supposed to be underlaid with mineral, oil, or natural gas, as the case may be, and if mineral other than oil or natural gas, the quantity that can probably be mined. Applicants must furnish such other information as may be desired by the agent regarding their prospective operations. Applications by parties who do not themselves intend to conduct operations on the land will be rejected. Should the application be approved, bond will then be required as provided for hereinafter.

In all mineral leases it must be provided that only so much of the surface of the land described as may be reasonably necessary to carry on the work contemplated may be occupied by the lessee.

All original lessees of mineral lands shall be required to furnish a bond, with two or more sufficient sureties, or a responsible

surety company, guaranteeing the payment of all royalties and rents at the time and in the manner specified in the lease, and the performance of all covenant and agreements named in the lease to be paid and performed by the lessee. Such bond shall in amount be as follows: For leases covering 40 acres and less than 80, \$1,000; for those covering 80 acres and less than 120, \$1,500; for those covering 120 and not more than 160, \$2,000, and for each 40 acre tract or fractional part thereof, above 160 acres, an additional amount of \$500; but the right is specifically reserved to increase the amount of such bond above the sums named in any particular case where the Secretary of the Interior deems it proper to do so.

No lease shall be sublet, transferred, or assigned without the consent and approval of the Secretary of the Interior.

All mineral leases shall provide for the payment of advanced annual royalty in sums of not less than 15 cents per acre per annum for the first and second years, 30 cents per acre per annum for the third and fourth years, and 75 cents per acre per annum for the fifth and each succeeding year thereafter, for the term for which the lease is to run the sums thus paid to be a credit on the stipulated royalties should the same exceed in any one year the amount of the advanced payment.

All oil and gas leases shall provide for the payment of a royalty of 10 per cent. of the value on the leased premises of all crude oil extracted from said land, to be paid monthly, on or before the 25th day of the month succeeding that in which it is produced, and the average value of the oil during the month in which it is produced, shall constitute the criterion for computing the royalty. The royalty on natural gas shall be fixed by the Secretary of the Interior at the end of each year, or oftener in his discretion.

All coal and asphalt leases shall provide for the payment of royalties as follows, to-wit: On asphaltum, the sum of 10 cents per ton each and every ton of crude asphalt produced weighing 2,000 pounds, or the sum of 60 cents per ton on refined asphalt; on the production of all coal mined, the sum of 8 cents per ton of 2,000 pounds on mine-run, or coal as it is taken from the mines, including what is commonly called "slack." All such royalties shall be paid monthly, as herein before provided for oil and gas.

All mineral lessees must agree to allow the lessor and his agents from time to time to enter upon and into all parts of the

leased premises for purposes of inspection, and agree to keep a full and correct account of all their operations and make report thereof, under oath, promptly after the end of each month, to the lessor, and to the Secretary of the Interior, through such officer as he may designate, and their books shall be open at all times to the examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior to make such examination.

The agent, before transmitting a lease, will ascertain whether the lessor or lessors are in fact the parties to whom the land was allotted.

Section 6. No person or corporation will be allowed to lease, within the territory occupied by the Creek and Cherokee Nations, for purpose of mining for oil and gas, more than 4,800 acres of land in the aggregate.

Any oil and gas leases presented to the Department must be accompanied by an application by the lessee, for approval of such lease or leases, in the form of an affidavit, showing that the lessee is not directly or indirectly interested in any oil and gas leases or applications for such leases, within the territory occupied by said nations, the lands embraced in which, with the tracts covered by the lease or leases presented for approval, would make more than 4,800 acres.

Applications to have leases approved must follow a form furnished by the Secretary of the Interior.

DEEDS AND LEASES.

No lease or deed will be approved that is executed prior to the approval and delivery of the deed to the allottee. Annexed to these regulations are forms of petition, deed, certificate of officer taking acknowledgment, affidavit of witnesses, grantor's affidavit, grantee's affidavit, certificate of officer who appraised the land, lease, bond, and affidavit of surety, which forms must be followed in all cases. All deeds and leases will be transmitted by the Indian agent, or other officer in charge, through the proper channels, for the Secretary's approval.

Section 8. The postoffice address of each party in interest must be given in the instrument which it is sought to have approved, and the postoffice address of each subscribing witness must appear on the papers.

Section 9. A lease or conveyance of undivided inherited

lands, or undivided allotments made directly to the heirs join in the lease, deed, or instrument of conveyance.

Section 10. If inherited lands, or lands allotted directly to heirs of a deceased citizen, have been partitioned, evidence thereof must accompany a deed or instrument of conveyance of such lands.

Section 11. In cases where the lands embraced in a lease, deed or instrument of conveyance were inherited from one who died after the allotment was made to him, such lease, deed or instrument of conveyance must be accompanied by a certificate signed by two officials of the town or band of which such allottee was a member, or by two or more reliable members of the tribe setting forth that the allottee to whom the land was originally allotted is dead, giving as nearly as possible the date of death. Such certificate shall also show the names and ages of the heirs, adults, and minors of such deceased allottee, but the department reserves the right to require, if in its judgment it shall be considered necessary, such further additional evidence relative to the heirship as may be deemed proper. If the persons who certify to the death of the allottee are, from their own knowledge, unable to certify as to who are the heirs (with their names and ages) of such deceased allottee, an additional certificate made by persons of one of the two classes herein specified, showing who are the heirs and giving their names and ages (adults and minors) must be furnished. And one of the certificated above mentioned, or an additional certificate made as above specified, must set forth definitely whether or not any children were born to such deceased allottee after May 25, 1901, and whether or not such deceased allottee disposed of his homestead or any portion of his allotment by will.

Section 12. In cases where the lands embraced in a lease, deed or instrument of conveyance were allotted directly to the heirs of a citizen who died before receiving an allotment, such lease, deed or instrument of conveyance must be accompanied by a certificate signed by two officials of the town or band of which such citizen was a member, or by two or more reliable members of the tribe, setting forth the names and ages of the heirs, adults and minors, of such deceased citizen, the Department reserving the right to require additional evidence as provided in section eleven hereof.

Section 13. If there shall have been, or shall hereafter be, probate or other court proceedings, establishing who are the

heirs of such deceased allottee or such deceased citizen, a certified copy of the final order, judgment or decree of the court showing and determining such heirship must be furnished; but where such court proceedings have not been had a compliance with the requirements of the provisions of sections eleven and twelve hereof, as the case may be, will be deemed sufficient to establish the heirship.

Section 14. In cases of transfers, leases, and sales to which minors are parties grantor, the transfer, lease, or sale must be made by a guardian, and the lease, deed, or instrument of conveyance must be accompanied by certified copies of the order of the proper court appointing the guardian and authorizing him to make such transfer, lease, or sale, and it must be fully understood that the Department reserves the right to use any means at its disposal for the purpose of ascertaining whether the consideration given is the fair value of the land, and whether the proposed lease or sale is for the best interest of the Indian.

Section 15. Leases for minerals, other than coal, asphalt, oil, and gas, must be made on the form attached hereto, page 42.

W. A. JONES, Commissioner.

Department of the Interior. Approved July 10, 1903.

THOMAS RYAN, Acting Secretary.

AMENDMENTS.

To the Regulations of May 4, 1903, Governing the Leasing of Lands in the Cherokee Nation, and the Regulations of July 10, 1903, Governing the Sale and Leasing of Lands in the Creek Nation.

Hereafter no rents, royalties, or payments accruing under any lease which has been approved by the Secretary of the Interior, or which requires his approval, shall be paid direct to the lessor, but all payments to be made under any lease shall, at the times and in the amounts specified in such instrument, be deposited with the United States Indian Agent at Union Agency, or with some such other person as may be designated by the Secretary of the Interior to receive the same, to be turned over to the lessor or his representatives.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., October 1, 1903.

Approved: THOMAS RYAN, Acting Secretary.

AMENDMENTS.

To Regulations of July 10, 1903, Governing the Sale and Leasing of Lands in the Creek Nation.

Subdivisions 4 and 5, regulations July 10, 1903, are amended as follows:

(4). Sealed bids will be received by such agent, or other officer in charge at his office, for any land so listed up to 2 o'clock p. m. of the day on which bids are advertised to be opened, at which hour they will be opened. If a bidder desires to bid on tracts not contiguous he must submit a separate bid for each tract, and if he desires to purchase less than an entire tract offered he may submit a bid for one or more legal subdivisions thereof.

(5). All such bids, before being deposited with the Indian agent or other officer in charge, shall be included in a sealed envelope upon which must be written, "Bid for Creek land," and the date the bid will be opened must be endorsed on the envelope. The envelope must not contain a description of the land. Neither the Indian agent, nor any official connected with the Indian Service, will be permitted to prepare any bid or assist any prospective bidder, in preparing his bid. Bids shall be numbered by such Indian agent, or other officer in charge, in the order in which the same shall be received by him, and a memorandum record of each, containing number of bid and description of land, shall be kept in a book suitable for that purpose. Each bid must be accompanied by a duly certified check on some solvent bank, payable to the Commissioner of Indian Affairs, for the use of the grantors, for twenty per cent. of the amount offered, as a guarantee for the faithful performance by the bidder of his proposition. If the bid shall be accepted and the successful bidder shall, within a reasonable time, not exceeding ten days, after due notice, fail to comply with the terms of his bid, such check shall be forfeited to the use of the owner of the land.

W. A. JONES,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., November 3, 1903.

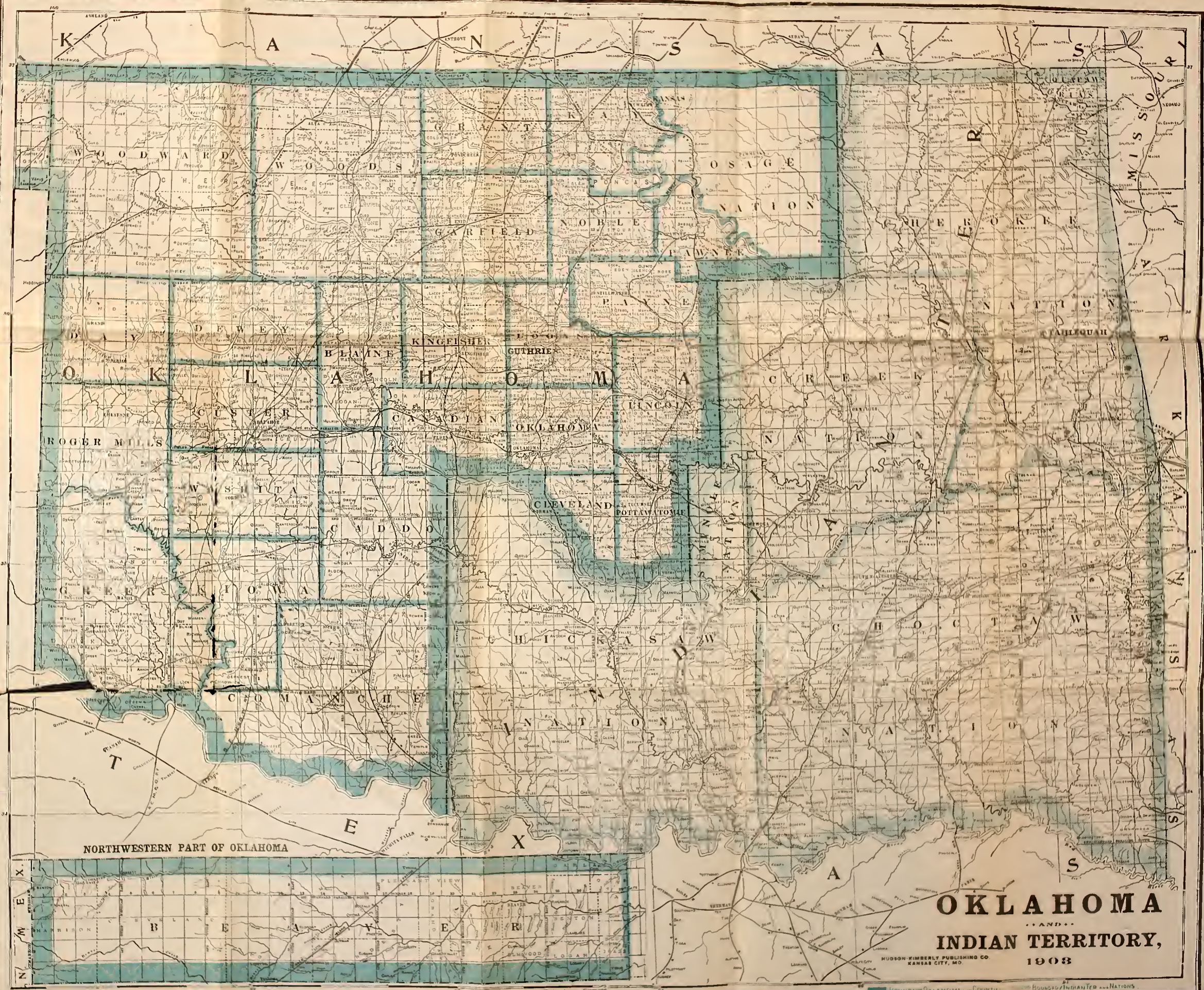
Approved: THOMAS RYAN, Acting Secretary.

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